MASSACHUSETTS RECORDS

A Handbook for Genealogists, Historians, Lawyers, and other Researchers

RICHARD LEBARON BOWEN

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4. *Arms of Queen Anne*

5. *Seal under George I*

6. *Seal under George II, III*

7. *Seal of 1775*

8. *Seal of 1780*

9. *Present seal*

THE GREAT SEALS OF NEW-PLYMOUTH COLONY AND OF THE COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS RECORDS

A Handbook for Genealogists, Historians, Lawyers, and other Researchers

By

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PREFACE

This handbook is written for genealogists, historians, lawyers, and other researchers, to assist them in locating the thousands of original records spread about in the fourteen counties and three hundred and fifty-one cities and towns now constituting the Commonwealth of Massachusetts. Although long needed, no other similar guide has been published.

The arrangement of this handbook is very simple. A general description of the principal source records is given, followed by the counties in alphabetical order, giving the location of each Registry of Deeds and of Probate, and the office of each Clerk of the Courts, with a listing of the principal court records to 1859, together with like information for the cities and towns in each county, with dates of establishment or incorporation in parenthesis. The names of the cities are set in capitals.

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Especially important are the footnotes describing records in the various cities and towns. Those whose vital records have been printed are marked with an asterisk. The accompanying map shows the division of the Commonwealth into counties with their cities and towns. The appended index is provided for locating them. Numbered "Note" pages are added for future memoranda.

With the exception of Suffolk, each of the counties has an official seal all of which are assembled and reproduced here for the first time. The frontispiece shows the great seal of Plymouth Colony and all of the great seals used for Massachusetts from the first seal adopted in 1628-9 to the present time. The great seals used by the Royal Governors for the Province of Massachusetts, beginning with King William III in 1692, and continuing through the reigns of the three George's to the period of the Revolution, were the Royal arms of England, with the name of the reigning king and a motto showing that the seal appertained to the Province.

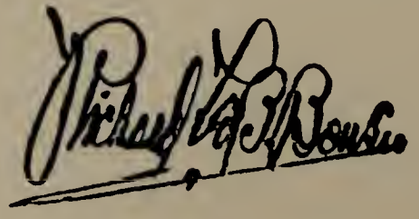
The detail of these seals may be over emphasized in this book, but the writer found the study so fascinating and so historically important that he decided to include more than he had originally intended. He realizes clearly that at nearly 80 years of age, with two other books partly written, it was print them now or never, for there would be no time left in which to do a more complete study in a separate paper.

Preface

First of all, I wish to thank Dr. Arthur Adams, F.A.S.G., F.S.G., of Boston; Mr. George Andrews Moriarty, F.A.S.G., F.S.G., of Ogunquit, Maine; Miss Marion Charlotte Reed, A.B., of Boston; and Mr. Francis Richmond Sears, LL.B., of Swansea, Mass., for their careful reading of the MS of this book. All are experienced researchers in these Massachusetts records, and their suggestions are deeply appreciated.

I am much indebted to Mrs. Florence Conant Howes, Curator of the New England Historic Genealogical Society, for the use of her valuable original notes on the printed and manuscript vital records of Massachusetts; to Miss Elsie McCormack, Assistant Editor of the Society's *Register*; to Mr. Robert H. Haynes, Assistant Librarian of Harvard College Library; to Dr. Stephen Thomas Riley, Librarian of the Massachusetts Historical Society; and to Dr. Lawrence C. Wroth, Librarian of John Carter Brown Library, for valuable assistance. To Dr. Clarence S. Brigham, Director of the American Antiquarian Society; to Mr. George C. P. Olsson, Clerk of the Courts, Plymouth; and to the County Commissioners in the several counties for furnishing copies of the county seals. To His Excellency, Governor Christian A. Herter; to Frederick M. Dearborn, Jr., Special Counsel to the Governor; and to the Honorable Edward J. Cronin, Secretary of the Commonwealth, for their gracious assistance. And finally, I express my appreciation to my secretary, Mrs. Olive Weavill Madejowski, for her careful typing and indexing.

In spite of the most painstaking efforts, errors and omissions are inevitable in a work covering so many diversified records spread over so large an area. The writer would be grateful to readers who send him corrections, or suggestions for additions.



Rehoboth, Massachusetts,
15 December 1956

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I

FOURTEEN counties of thirty-nine cities and three hundred and twelve towns constitute the present Commonwealth of Massachusetts. In these are found the earliest records of New England from the first settlements of Plymouth Colony in 1620 and the Massachusetts Bay Colony in 1628. The two colonies were consolidated under Massachusetts by the 1691 Provincial Charter of William and Mary.

The present Commonwealth of Massachusetts possesses more early source records than any other state in the Union. The history of New England, and from that point the history of the whole United States and the genealogies of its early settlers all start in the present Massachusetts area.

For many years after the first settlement of New England, the present territorial limits of the Commonwealth of Massachusetts included the two colonies governed by separate and distinct political bodies acting under separate charters with records in no way common.

The colony of the Massachusetts Bay comprised, together with other territories, the most northern and western portions of the Commonwealth as it is now bounded. In 1643, it was divided into the four counties, Essex, Middlesex, Suffolk, and Norfolk. It must also be remembered that New Hampshire was under Massachusetts until 1679; Maine, until 1820; and that the present Dukes and Nantucket Counties were under the Province of New York until after 1691.

The Colony of New-Plymouth, known as the "Old Colony", embraced the south-eastern part of the state, now included within the counties of Barnstable, Bristol, and Plymouth, divided in 1685, excepting the town of Hingham which from the first appertained to the Massachusetts Colony. It also included parts of the present state of Rhode Island. During the Colonial period, the island counties were not within the jurisdiction of either of these colonies, but were annexed to Massachusetts from the Province of New York, as was the Plymouth Colony, under the 1691 Provincial Charter.

The seven original counties of these two colonies have been developed into the present fourteen counties of thirty-nine cities

and three hundred and twelve towns of the Commonwealth of Massachusetts, and the records of these two colonies are scattered over an area of more than 8000 square miles.

The subject of these Massachusetts records is so large and has so many ramifications that in the short space of this study it is possible only to outline briefly the principal source records and locations in each county. These consist of the early records of the old colonies of Plymouth and the Massachusetts Bay; State Archives; Registries of Deed and Probate records in the county seats; Court records in the County Court Houses; and records in the various towns.

The first task confronting the student of genealogy or history who wants to work in these records is to learn where they are located, and the general system of their arrangement. While much in general has been written about Massachusetts records, no single work has heretofore been published giving this information.

The best reference books for the location of records in the counties, cities, and towns of the present Commonwealth of Massachusetts are the *Reports* of the Massachusetts Commissioner of Public Records (1885-1920). The best data guide for the incorporation of the present cities and towns is the pamphlet entitled *Historical Data, Counties, Cities and Towns in Massachusetts*, issued in 1920, by the Secretary of the Commonwealth, Division of Public Records, and reissued in 1948 with the addition of a map. Also, see *The Population of Massachusetts*, 1950, by the Secretary of the Commonwealth, based on the figures of the Bureau of the Census. These reports have been freely used in this study of Massachusetts records.

II

Plymouth Colony, unlike her neighboring colonies, never had a Royal charter. For more than seventy years, the only basis for her legal existence was a patent from a long defunct trading company, the Council of New England. In 1680, Charles II gave the King Philip lands to Plymouth and promised the Colony a charter on application. Had it not been for the subsequent untimely death at this time of its two envoys, Plymouth would probably have had a Royal charter. When the next and final opportunity came for obtaining a Royal charter under

William and Mary, the General Court called for contributions of £700 current money for that purpose. The tax weary inhabitants refused to contribute, apparently no longer caring to which colony they belonged.[1]

Fundamentally, Plymouth Colony, with its small population, was woefully weak and poor. The large property losses suffered in King Philip's war, and the resultant high taxes to pay for the war, followed by the high taxes under the Andros administration, pretty well drained the towns. Then the tremendously higher additional taxes in King William's war, just about finished breaking the financial back of the Colony; the money just wasn't there.

In 1690, in the brief period of one year and four months, taxes had reached the point where they amounted to 17½ per centum of the Colony's total ratable estate of £35,900. Many towns were in open revolt. The towns especially named in the court records as either refusing to pay taxes, being in arrears, or in tax controversy with the General Court,[2] are: Bristol, Dartmouth, Little Compton, and Swansey, in Bristol county; Eastham, Monamoy, Rochester, and Yarmouth, in Barnstable county; and Scituate (the colony's largest town), Bridgewater, Duxburough, Marshfield, and Middleborough in Plymouth county. These recorded towns numbered 65 per centum of the colony towns, representing 63 per centum of the colony's ratable property, and furnishing 49 per centum of the soldiers.[3] From the "other towns not specifically named" language of the court records, we know that the actual figures, although unprovable, were much higher. The Plymouth Colony General Court stopped this tax revolt by not proportioning the December 1690 levy of £1350 on its towns. No further tax levy was made during the remaining one year and five months of the Colony's separate existence.

It was fortunate that the Plymouth consolidation with strong Massachusetts took place when it did, for the towns were in open tax revolt against their government. Without the backing and authority of a Royal charter, just what the Plymouth General Court could have done to regain its control is an enigma difficult to answer. The situation was certainly unique in the annals of

[1] For a documented record, see Richard LeBaron Bowen, "The 1690 Tax Revolt of Plymouth Colony Towns", New England Historical & Genealogical *Register*, vol. CXII (Jan. 1958).

[2] *Plymouth Colony Records*, vol. VI, pp. 36, 177, 182, 209, 210, 226, 234, 246, 251, 255, 257, 258, 259, 269.

[3] For table showing value of ratable estates in towns of Plymouth Colony and number of soldiers drafted in 1690, see Richard LeBaron Bowen, *Early Rehoboth* (Rehoboth, 1945), vol. I, p. 13.

New England colonies. The extreme seriousness of this Plymouth Colony internal tax strife has escaped the attention of historians.

In 1690, the Rev. Ichabod Wiswall was in England for the second time since 1683, as a representative of Plymouth Colony to obtain a separate charter for the colony. That eminent divine and clever politician (who had been in England since 1688), the Rev. Increase Mather, represented Massachusetts; and others, New York. Up to this late date, Plymouth, which had no Royal charter, had made no concentrated effort to obtain one. The result was that there was a bitter fight on between New York and Massachusetts to include Plymouth in their charters. Of all the lobbyists, Mr. Wiswall found himself without powerful friends or influence, due to the lack of the lobbyist's prerequisite tool, *money*. Discouraged at the prospect of obtaining a separate charter, he wrote Governor Hinckley, on 17 Oct. 1690, advising the Colony to "remember 10 Ecclesiastes 19" (A feast is made for laughter, and wine maketh merry; but money answereth *all things*).

Still smarting under the open defiance of its authority by the refusal of its towns to pay taxes, and to contribute money for obtaining a charter, the Plymouth General Court, in the last meeting of its existence, ordered the marshal of Bristol County to go into the town of Swansey and collect the taxes by force.

Having lost tax control over its towns, and apparently satisfied that the colony was to be absorbed by Massachusetts, the Plymouth Colony General Court simply quit. It wasn't until a month later (11 Aug. 1691) that the King approved the Council's plan for a Massachusetts charter, which included the old Plymouth Colony. On 7 Oct. 1691, the new Massachusetts charter passed the seals and Plymouth ended its existence as a separate colony and became a part of the Province of Massachusetts. On 12 May 1692, Royal Governor Sir William Phips arrived in Boston with the new charter. Elections were held that spring and the new Massachusetts charter was in full operation.

Under the new Massachusetts charter, the King appointed the members of the royal council for the first year. There after, the old Plymouth territory was allowed only four members on the council of twenty-four members. As a sort of face saver for the old Plymouth General Court, the Governor, Deputy-Governor, and the six court assistants last elected, together with three or four of the more prominent citizens, were appointed members of the first royal council. This was three times the membership provided by the new charter. The change in government proceeded smoothly

and without incident. The weak old Plymouth colony was now part of a strong government.

For a period of one year and three months, from the time of the last meeting of the Plymouth General Court to the beginning of the new government of the Province of Massachusetts, the twenty Plymouth towns were without a Plymouth General Court government and were free to run their individual towns as they saw fit.

When the consolidation of the two colonies took place in May 1692, the old Plymouth records remained in the hands of the last Secretary of the colony, Mr. Samuel Sprague of Marshfield. At his death, in 1710, the old records were taken over by Massachusetts and sent to Plymouth.[4] The old books of deeds, wills, inventories and probate, were deposited in the Plymouth Registry of Deeds, where they now are. The remaining court papers and documents were deposited in the Plymouth County court house. These ancient files were almost totally destroyed in the fire which burned the roof off the court house on 7 Nov. 1881. Abner C. Goodell, writing in 1883, says that "on a few of the scattered papers of early date that were saved from the fire, I was, by the *kindness of their possessors*, enabled to discover the impression of this [Plymouth] seal, and to observe that it has undergone but very slight change since 1692".

All of the known extant loose papers in these ancient files are the odds and ends contained in the *Plymouth Colony Scrap Book* (1636-1693) in the Plymouth Registry of Deeds, collected after the fire by an unknown Recorder. This scrap book contains mostly original wills and probates, many of which have interesting wax seals attached. More than twenty-five years ago the writer made rubbings of many of these seals. Today that is impossible for the documents have been preserved between sheets of silk. The

[4] "The ancient records of the Colony of New-Plymouth, upon the change of government and uniting of the colonies of Massachusetts and Plymouth, were left in the hands of Mr. Samuel Sprague of Marshfield, who was last secretary of the Colony of Plymouth, and were in his hands when he died in September 1710. Upon his death, the General Quarter Sessions of the Peace within the county of Plymouth ordered Col. Nathaniel Thomas to take the records into his care. On 9 Oct. 1710, the General Court at Boston ordered that the books, records and files of the General Court of the late Colony of New-Plymouth be committed to the custody of the Clerk of the Inferior Court of the County of Plymouth . . ." [*Plymouth Colony Laws,* vol. XI, p. 8].

10 Nov. 1710—"*Ordered* that the Bookes Records, and files of the General Court of the late Colony of New-Plymouth, be committed to the Custody of the Clerk of the Inferiour Court of the County of Plymouth for the time being, he dwelling in Plymouth; a perfect Schedule thereof being made, with an Indent to be passed for the same to the Justices of the said Court. And that the Clerk be Impowered to Transcribe and attest Copy's of the said Records, for any that shall desire the same upon paying the Establish'd Fees." [*Acts and Resolves of the Province of Massachusetts Bay,* vol. IX (1708-1719), p. 152].

scrap book was transcribed by Charles Henry Pope and published by Goodspeed (Boston, 1918), in a book of 125 pages.

With the exception of the private historical writings of the fathers of the Plymouth Colony, Bradford and Winslow, little can be found on record relating to the earliest years of this settlement in America. The principal printed records of Plymouth Colony are: *Of Plymouth Plantation,* by William Bradford, the prime source for Plymouth history to 1646; *Mourt's Relation;* extracts from the Journals of Bradford and Winslow, printed in London in 1622. Of the several reprints, the best edition, with notes, is that of H. M. Dexter (1865). Edward Winslow's *Good Newes from New England* (1624) and his *Briefe Narration* (1646), important sources, are reprinted in Young's *Chronicles of the Pilgrim Fathers;* and the *Records of the Colony of New Plymouth in New England,* 12 large volumes (1620-1692), edited by Nathaniel B. Shurtleff, M.D. (vols. 1-8), and David Pulsifer (vols. 9-12).

New England's Memorial, by Nathaniel Morton, Secretary of the Court (Cambridge, 1669). In his Epistle Dedicatory, he says "the greatest part of my intelligence hath been borrowed from my much honored uncle, Mr. William Bradford and such manuscripts as he left in his study, from the year 1620, unto 1646". In the words of Admiral Morison, this history "is largely a poor paraphrase of Bradford." Of the several editions printed, the best is the fifth by John Davis, with "large additions in marginal notes and an appendix" (Boston, 1826).

Bradford's *Of Plymouth Plantation,* has been frequently reprinted. The best and latest is the 1952 edition, with modernized spelling and punctuation, edited by Samuel Eliot Morison. This book, together with his latest history, a chronological *Story of the Old Colony of New Plymouth,* 1620-1692 (New York, 1956), make our best working tools for the study of the history of this colony.

At the Plymouth Registry of Deeds are found five early volumes of wills and inventories dating from 1633 to 1686. Of these, *The Mayflower Descendant* has printed vol. I (1633-1654); vol. II (1654-1668); and part of vol. III (1669-1678), of which there remains 27 pages of Part I to be printed, and 237 pages of Part II. Volume IV (1683-1686), containing Parts I and II, a total of 264 pages has not been printed. These printed transcripts appear in the following volumes of *The Mayflower Descendant:* commencing vol. I, page 23 and ending vol. II, page 206; com-

mencing vol. XII, page 244 and ending vol. XIV, page 233; commencing vol. XV, page 58 and ending vol. XVIII, page 77; and commencing vol. XVIII, page 185 and ending vol. XXXIV, page 114. A typed alphabetical list of these printed early wills is in the Member's Room of the New England Historic Genealogical Society at Boston. This same Mayflower publication has also printed many of the early deeds.

III

THE NEW Massachusetts charter was signed on 7 Oct. 1691. On 7 Mar. 1691/2, Sir William Phips, the new Royal Governor, accompanied by Rev. Increase Mather, left London, and on the 29th sailed from Plymouth under convoy of the frigate *Nonsuch,* under command of Captain Short, for Boston, where they arrived 14 May 1692, bringing the charter with them.

This new charter of King William III, dissolved by legal process, the old charter of King Charles I which had created a corporation of Englishmen under the name of the "Governor and Company of Massachusetts Bay." Under the new charter, a community of Englishmen was invested in law as a body politic, with certain privileges and restraints under the name of the "Province of Massachusetts." For the first time in its history, the Colony had now lost the independence which it once possessed and was brought into a condition of formal and definite subjection to England. The religious element was also eliminated from the government.

The Province, as now constituted, included the colonies of Massachusetts and Plymouth; all of the group of islands off the Plymouth coast known as Martha's Vineyard, Nantucket, Elizabeth, etc., formerly belonging to New York; and the territories of Maine and Nova Scotia (and of what is now New Brunswick), with all of the lands lying between the two last-named jurisdictions. Although she had failed in retaining New Hampshire, this loss was more than made up by the acquisition of Plymouth.

The charter provided that there should be a Governor, Lieutenant-Governor, and Secretary, to be appointed from time to time by the King. There was to be a General Court, or Legislature, in two branches,—namely, a House of Representatives chosen, as heretofore, annually by the towns; and a Council consisting of twenty-

eight members to be selected by the General Court, annually on the last Wednesday in May, subject to the Governor's rejection. Eighteen, at least, of the Counsellors were to be inhabitants or landholders in Massachusetts proper; four in what had been in Plymouth Colony;[5] three in Maine; and one in the country between the Kennebec and Nova Scotia. The King was to appoint the members of the first royal council. Seven counsellors were to be a quorum for the transaction of business. Representatives were required to be freeholders, and each town, for the present, was to have two Representatives and no more. This limitation was subject to later change by law.

Bills passed by the Council and Representatives were subject to rejections by the Governor. Laws approved by him were immediately in effect, but were to be reported to the King who might annul them at any time within three years from their enactment. The Governor was to be commander-in-chief of the militia, and to appoint military officers. In this connection, it is interesting to note that on commissions the great seal was never used, always the Governor's personal seal. With the consent of the Council, he was to appoint certain judges and other court officers.

Although a new acquisition for Massachusetts, this whole extensive territory of Nova Scotia (including what is now New Brunswick) with its total white population of 803 inhabitants, was of questionable value, considering the cost of its defence, in view of the fact that by the treaty of Brenda the territory was the property of the King of France. Consequently, Massachusetts did not at any time take possession of Nova Scotia, other than to occupy Port Royal (Annapolis) and St. John.

The principal printed records of the Massachusetts Bay Colony are: *The History of New England* (1630-1649), by John Winthrop, Esq.; *Records of the Governor and Company of the Massachusetts Bay in New England,* 5 volumes (1628-1686); *Records*

[5] This consolidation brings to mind that ridiculous story, "Rehoboth in Brief Review", so widely advertised and often reprinted, written by Edgar Perry 63 years ago, and published in the *Two Hundred and Fiftieth Anniversary of Rehoboth* (1894), p. 7, in which he says "When the two colonies of Plymouth and Massachusetts Bay united, Rehoboth, the largest town [actually the ninth] in Plymouth, and Boston, the largest town in Massachusetts Bay Colony, had a sharp contest to see which should have the honor of being the capital of the new commonwealth, and that Boston won the prize only by a few votes." Why anyone would think that the old capitol of Massachusetts Bay, with its important seaport, would ever be in danger of being relocated at Rehoboth, whose seaport was the salt cove forming the mouth of the Ten Mile River, is incomprehensible.

Not content with this one preposterous invention dressed up as history, he continues his alleged "history" and in seven pages makes twenty-two statements about Rehoboth history, none of which are historically true. Mr. Perry, a reporter on the *Boston Herald,* should have stuck to newspaper reporting.

of the Court of Assistants of the Colony of the Massachusetts Bay, 3 volumes (1630-1692); *The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay,* 21 volumes (1692-1780); *Session Laws and Statutes;* and the *Journals of the House of Representatives of Massachusetts,* 31 volumes to 1755, published by the Massachusetts Historical Society.

The *Reports* of the Record Commissioners of the city of Boston, some 39 volumes of *verbatim* transcripts of original records; the *Note-Book* kept by Thomas Lechford, Esq., Lawyer, in Boston, Massachusetts Bay, from 27 June 1638 to 29 July 1641; also to be noted is the *Aspinwall Notarial Records* (1644-1651), vol. XXXII (1903) in the series of *Reports* of the Record Commissioners of the City of Boston. The Massachusetts Historical Society Publications, consisting of 79 volumes of its *Collections;* 68 volumes of its *Proceedings;* and some 50 special publications, are rich in source material. The *Historical Collections of the Essex Institute;* the publications of the *Colonial Society of Massachusetts*, and the *Prince Society of Boston,* are of great value.

The *Session Laws,* previously mentioned, were first printed in 1661, and are the laws passed at successive legislative sessions. *Statutes at Large,* first printed in 1648, are statutes in full as originally enacted, as distinguished from abridgements, compilations, and revisions. A great wealth of genealogical data is found in these Laws and Statutes. More genealogical facts, especially in the private acts, were inserted than were necessary to the laws enacted. Among other items, much data are found in acts of naturalization, change of names, divorces, marriages made legitimate, etc. However, it is recommended that research be made exclusively in the Sessions Laws, for these surely contain in full detail, without abbreviation, every private act and law enacted.[6] A methodical search of this source would solve many genealogical problems. These *Session Laws and Statutes* will be found in the Massachusetts State Archives, the State Law Library, and in the various County Law Libraries.

Massachusetts Archives

The Massachusetts State Archives, on the fourth floor of the State House at Boston, contain a wealth of source material in

[6] See Noel C. Stevenson, F.A.S.G., *Genealogical Research in Session Laws, and Statutes,* New England Historical & Genealogical *Register,* vol. CX (1956) pp. 98-103.

some 327 volumes of bound documents, a part of which have been indexed. The first 242 volumes were arranged by subjects and dates by Joseph B. Felt, 1836-1846. Besides these bound volumes, there are many drawers filled with miscellaneous documents and maps from towns in Massachusetts, and from many places outside of the Commonwealth up to about 1800. There is also considerable early Plymouth material, including copies of the early deeds and probates—in fact, without consulting the excellent indices, one never knows what will be found. There are also many town records, some in bound volumes, others stored in loose sheets. In the Rhode Island State Archives at the State House, Providence, R. I., are many documents pertaining to early Plymouth Colony and the Massachusetts Bay towns.[7] Pension papers are valuable sources. Not to be overlooked, are the seventeen volumes of printed *Massachusetts Soldiers and Sailors of the Revolutionary War*, a compilation from the Massachusetts Archives prepared and published from 1896 to 1908 by the Secretary of the Commonwealth. *The Soldiers and Sailors of War of 1812* is of value also.

In the study of any town, the Federal Census lists contain data not found in any other record. The names of the heads of families are listed, together with the males and females in each family divided into age groups. These census lists are of inestimable value to the genealogist.

The first Massachusetts census (totals only) was taken in 1764 and 1765. The first United States census, taken in 1790, is in print; the second, 1800 (not printed), is in the Library of Congress, at Washington, D. C. In the State Archives at Boston are copies of many Massachusetts state censuses, including those for the years 1855, 1865, and 1875. Also, there are copies of the Federal censuses, including the years 1850, 1860, 1870, and 1880.

So far as is known to the writer, the 1800 U. S. census of Rehoboth is the only town census for that year that has been published.[7a] It was printed from an accurate copy of the original

[7] In the 1746 settlement of the boundary line dispute, the Royal Commission took the towns of Barrington (with parts of Swansea and Rehoboth), Bristol, Tiverton, Little Compton, and Cumberland from Massachusetts and awarded them to Rhode Island. There are a number of deeds relating to adjacent parts of Massachusetts in the Rhode Island Colony Deeds in the Secretary of State's Office at the State House, Providence, R. I.; as well as some wills.

[7a] For this Rehoboth census, see Richard LeBaron Bowen, *Early Rehoboth* (Rehoboth, 1950), vol. IV, chap. VI.

in the Archives of the Library of Congress, made by Mr. Edward H. West, F.A.S.G., of Laurel, Maryland, and presented to the writer.

Early maps are of assistance to the genealogist and especially to the historian. In the State Archives at Boston will be found an unusual collection of town and other maps, the earliest of which was made in 1649. This valuable collection is not so widely known to genealogists and historians as it should be.

In 1794, the Commonwealth provided by law that "accurate plans be made of each town and district, to a scale of 200 rods to an inch, to be filed in the Secretary's Office." With the exception of the town of Chelsea, the plans were duly filed and are to be found in the Secretary's Office, Division of Archives, *Town Plans* (1794), vols. I to XVI. Later, these plans were used as a basis for maps of Massachusetts proper and for the District of Maine, published and distributed in 1801.

In 1830, the Commonwealth again ordered "accurate plans to be made of each town and district, upon a scale of 100 rods to an inch, upon a minute and accurate survey, to be lodged in the Secretary's Office." These plans, with the exception of those for the towns of Carver, Chelsea, Littleton, Nantucket, New Bedford, and Plympton, are on file in the Secretary's Office, Division of Archives, *Town Plans* (1830), vols. I to XV. In addition to the Rehoboth map on file, there is one for Seekonk, dated 1831, which was the eastern part of the original town of Rehoboth, and also an 1827 map[8] of Pawtucket, Massachusetts (now in Rhode Island), originally the northern part of Seekonk.

Within the last few years, the Commonwealth of Massachusetts issued two excellent maps (undated), one 31½″ x 21″ and the other 13½″ x 9¼″, showing the division of the state into counties and towns. These maps may be obtained by applying to the Massachusetts Department of Agriculture at Boston. A tip-in of the small map, supplied by Mr. L. Roy Hawes, Commissioner, is shown in the following pages.

Court Records

As previously noted, the Plymouth Colony Records (1620-1697/8), in twelve volumes, and those of the Massachusetts Bay (1628-1686), in six volumes, have been transcribed and are in print.

[8] For a facsimile of this Pawtucket map, see Richard Le Baron Bowen, *Early Rehoboth* (Rehoboth, 1950), vol. IV, facing p. 84.

Since 1636 many courts have been established,[9] abolished, and revived again under the same or new names. Special Courts of Oyer and Terminer[10] were held in various places by Commissioners appointed by the Governor during the provincial period, the records of which are found in the offices of the Clerk of the Courts. This whole court subject is so vast and complicated, however, that the only courts that can be listed within the limited space of this book are the principal ones beginning with the County Courts commencing in 1636 and ending with the Superior Courts which commenced in 1859.

The records of the Superior Court of Judicature in the several counties, from 1693 to 1788, will be found in thirty-five volumes[11] in the office of the Clerk of the Supreme Judicial Court for the county of Suffolk at Boston; and also, in one hundred and ten volumes of Minute Books,[12] from 1702 to 1788.

Besides the regular court record books, many of the courts have quantities of valuable loose papers and documents which contain much of interest to genealogists and historians. For instance, in the basement of the Superior Court Building at Taunton are many files of original papers, in disorder, containing all sorts of miscellaneous letters and court documents, the earliest of which commence in the late 1690's. Another lot commences in 1709 and ends about 1730. In their jumbled condition as to subjects, it is difficult, without reading each one, to determine their exact nature.

The vice-Admiralty Court records, and the records of the Collectors of Customs for the various ports, are sources often overlooked.

Apprentice Indenture Papers are valuable sources. For example, in the old Boston Court House, there were about three thousand indentures binding apprentices, which had been filed with the town clerk. The earliest of these is dated 27 Nov. 1734, and the

[9] *Establishment of Courts by Original Titles,* First *Report,* Massachusetts Commissioner of Public Records (1885), pp. 305-310; *Establishment of Courts by Present Titles, Ibid.,* pp. 10-316; *Courts shown by Counties, Ibid.,* pp. 333-363.

[10] The Court of Oyer and Terminer (hear and determine) was a court for the trial of indictments held under a commission by virtue of which the judges have power to hear and determine specified offences, usually all treasons, felonies, and misdemeanors. In some states, the name has been adopted for the higher criminal courts of corresponding jurisdiction.

[11] For names of counties and dates of court terms, cf. First *Report,* Massachusetts Commissioner of Public Records (1885), pp. 316-325.

[12] For names of counties and dates of court terms, cf. *ibid.,* pp. 326-331.

latest in 1805. They bear the signatures of the selectmen of Boston and attached to many are certificates of the Selectmen of the town where the master dwelt, indorsing him as "a man of sober life . . . and in such circumstances that we can recommend him as a fit person to bind an apprentice to". These are of historical value in accounting for boys who disappeared from Boston, and for the presence in the records of a town of names of men whose ancestry had been in doubt, no parents ever having dwelt there. These Boston Indenture Papers are now in the custody of the Boston Record Commissioners.

The Nationalization Papers, in the various County Court houses, contain data on later immigrants not found in any other record, such as the name of town and country where born, names of parents, date of birth, and places of residence in America, etc. At the Bristol County Court, at Taunton, these papers commence in 1805, but are indexed only from 1856 to 1885.

The latest tool for the use of lawyers, genealogists, and historians, is a bibliography of published materials on *Early New England Court Records*, by William Jeffrey, Jr., assistant Law Librarian at Yale, with an introduction by Zechariah Chafee, Jr., printed in the July 1954 issue of the *Boston Public Library Quarterly*, and later reprinted in pamphlet form for the Ames Foundation, Harvard Law School. With considerable detail, this valuable work lists thirty-nine titles of some 167 printed volumes.

The Andros Administration

Sir Edmund Andros (1637-1714) arrived in New York in 1675 as Royal Governor of the colony of New York, an appointee of the Duke of York. In 1686, King James II united the New England colonies and set up a new government under the title of the Dominion of New England, with Sir Edmund Andros as Royal Governor. The colonies were denied their former rights and liberties while the Dominion lasted. They lost their right to vote taxes; the Council simply notified each town the amount of money it must send to Boston annually. These sums were much higher than the taxpayers had been accustomed to paying. The people were told that their land titles were worthless; that they must bring their deeds to Boston and pay to have them con-

firmed. The Plymouth court was ordered to bring all of its records to Boston.

A kind of prerogative court was also set up at Boston for probating the wills of all New England, including the Province of New York and East and West New Jersey, involving all property of more than fifty shillings in value. These documents are recorded in the Suffolk County Registry of Probate (1686-1692). An index of these wills was compiled by Mary L. and Winifred L. Holman, F.A.S.G., and published in *The American Genealogist,* vol. XII, pages 175, 222; vol. XIII, page 98; and vol. XIV, page 34. No genealogical research is complete without consulting this index.

A new two-sided great seal, the reverse here shown, was used until the downfall of King James II, and the end of the Dominion of New England in 1689. The reverse of this seal shows the King's arms, with the garter, crown, supporters, and motto, and this inscription round the circumference: SIGILLUM NOVAE ANGLIAE IN AMERICA.[13]

The oppressive Andros government lasted less than three years (1686-1689), because the people of England forced James II to flee to France and brought in King William III and Queen Mary II as joint sovereigns. On 4 April 1689, John Winslow arrived at Boston from the Island of Nevis, bringing a copy of the Declaration by the Prince of Orange on his landing in England. The people of Boston arose, put Andros in jail, and sent him a prisoner to England. There he was later released and subsequently appointed Royal Governor of the colony of Virginia (1692-97).

Town Records

The early records kept in both the Plymouth and Massachusetts Bay towns followed much the same general pattern and consisted, usually, of separate books called Proprietors, Town Meetings, Births, Marriages, and Deaths, Rates, Constable and Townsmen (Selectmen) books. The church records of baptisms, marriages, and burials were also later kept by the church societies.

Through the years, the original plantations, proprietory or town, have been divided and sub-divided so many times that it is often difficult to determine the constituent parts of the present towns,

[13] Governor Andros had seized and broken the Province of New York seal. He had apparently seized the Plymouth Colony seal, for on 4 June 1689, the Plymouth Colony court petitioned the King and Queen for the "reestablishment of their former liberties and priviledges,—and also, to endeavor the regaining of our publique seal,—otherwise to procure one at the expense of the colony" [*Plymouth Colony Records,* vol. VI, pp. 209-10].

much of the history of which will often be found in a non-existent town of another name.

The Colonies granted large tracts of common lands to groups of prospective settlers, called Proprietors, for the establishment of towns. The Proprietors' Records [14] contain the meets and bounds of these lands assigned to the various settlers. These records usually antedate the Town Meeting's records, and are all too often overlooked by the genealogist. The records show many instances in which land in families has come down by descent, although no title is shown by recorded deed. In such cases, the Proprietors' records are of great importance, for the courts have decided that titles of lands running directly through the Proprietors' records, may carry title as against the record in the registry.

In tracing the organization of new towns it is not uncommon to find that these Proprietors' records were commenced in an old town where the body of the proprietors organized, and that the names appearing in the new town records are of families in the old town.

A typical example is that of the Proprietors' records of Savoy, Berkshire Co., which are dated at Rehoboth in 1771, twenty-six years before the incorporation of Savoy on 20 Feb. 1797. The name by which the plantation or proprietory was known before it became a district or town, is often found in these records and in no other State record.

The earliest Town Meeting records [15] contain everything that was to be made a matter of record—town meetings, land transactions, vital records, copies of court orders, rate lists, constables' returns, warning out notices, overseer of the poor reports, earmarks and cattle brands, stray cattle, soldier lists, etc. These entries are usually not in chronological order, and as they are not indexed, the books in their original condition are of little value for quick reference. Comparatively few Town Meeting Books have been transcribed, and fewer printed.

The earliest Birth, Marriage, and Death records [16] are found in the Town Meeting books, later in separate volumes, and often in the

[14] Eighth *Report,* Massachusetts Commissioner of Public Records (1896).

[15] See First *Report,* Massachusetts Commissioner of Public Records (1885), pp. 148-294; *Extinct Cities, Towns, and Districts, ibid.,* pp. 295-303; and the Fourteenth *Report, ibid.* (1902).

[16] Of course the extant gravestones and the printed transcripts of inscriptions, together with the interment records of the various cemeteries are an additional help. Also to be noted, are the newspaper vital records. Marriage and death notices appear very early, followed later by obituaries and funeral notices, and still later by records of births.

County court records. The marriage intention records started at a later date; in Rehoboth, around 1700. Many of the vital records were originally entered in the Town Meeting Books with all of the children listed under the name of the father. There could be no doubt of the parentage of the children under this system. Later, these records were copied into separate town books. In transcribing for publication of printed vital records, this family arrangement was broken up by listing the names of the children in alphabetical order, which separation often results in the loss of the childs' positive identity.

A difficulty in correct marriage records exists in towns bordering on other states. Persons unable to obtain permits in their own towns crossed the state line and were married leaving no record in the Commonwealth unless they returned to reside.

Many city and town vital records have been transcribed and printed. The library of the New England Historic Genealogical Society, at Boston, has on its shelves the printed vital records of more than 214 cities and towns in Massachusetts, besides numerous other MS vital records. There are also many printed vital records for extinct towns that are now incorporated as parts of present-day towns. In addition to these printed transcripts, there are also many manuscript copies in the various Town Clerks' offices.

At a later period, the Town Clerks were required by law to make return of vital records to the Clerk of the Courts at the county seats. These court returns seem to have been made with considerable care and often show names not appearing in the original town vital records.

The Town Rate (tax) Lists are of particular value, for, as a rule, only a few were entered in the early Town Meeting books. The assessments were listed on separate sheets of paper and given to the constable for collection. If these lists can be found, they are an important source of information for the genealogist, for it was customary to prefix to the names various military, and other titles such as "Mr.", "Deacon", and the suffix "Esquire", etc., which is a great help in the identification of different individuals of the same name. All assessments were made by districts and the names entered by home lots, not alphabetically, so it is oftentimes possible to locate a homestead by the position of the owner's name in the tax list by knowing the name of a neighbor on either side. After the collection of taxes, the constable returned the lists to

the Town Clerk who folded and briefed each paper and tied them in bundles. Through the years, not much attention has been paid to these lists; some towns now have several hundred; others have none.

Church Records, of a later date, are numerous and more or less complete. Their location will be found in detail in the various *Reports* of the Massachusetts Commissioner of Public Records.[17]

The Federal Tax

In July 1798, the Senate and House of Representatives voted to lay a direct tax on the United States, at that time comprising sixteen states. The returns for the states of Massachusetts and Maine were deposited in the old Boston Custom House where they were long buried in obscurity. In 1855, Mr. Montague caught the janitor tossing the papers into the furnace and stopped him. General Lincoln, the Collector, permitted the transfer of the papers to the New England Historic Genealogical Society, where they are preserved, bound in 20 volumes with some indices made. The records of a few of the towns were lost in the furnace fire.[18] This tax lists the name of the owner, or tenant, of each house in every town in Massachusetts and Maine. This is important information, for there are always many tenant residents of a town whose names never get into the records. This 1798 Federal Dwelling House Tax, together with the 1800 census, enables us to re-construct a far more complete record of a town at the end of the eighteenth century than is possible in any other period. The 1798 Federal Direct Tax for the town of Rehoboth has been printed.[19]

Genealogical Publications

Of first importance are the 110 volumes of the *Register*, published by the New England Historic Genealogical Society, which contain a wealth of genealogical and historical information not

[17] *Existing Churches by Towns, Existing Churches by Denominations, and Extinct Churches by Towns,* First *Report,* Commissioner of Massachusetts Public Records (1885), pp. 9-79, 80-132. *Historical Data on Massachusetts Churches, Parishes, Precincts, and Religious Societies, past or present,* Tenth *Report, ibid.* (1897), pp. 1-189. *Additional Church Records,* Twelfth *Report, ibid.* (1900), p. 10; Fifteenth *Report, ibid.* (1902), pp. 14-16; *Plymouth Church Records* (1620-1859), and *Publications of the Colonial Society,* vols. XXII and XXIII.

[18] *Report of the Record Commissioners of City of Boston* (Boston, 1890), vol. XXII, p. iii.

[19] See Richard LeBaron Bowen, *Early Rehoboth* (Rehoboth, 1950), vol. IV, Chap. VII.

found in any other publication. The 32 volumes of *The American Genealogist,* edited and published by Donald Lines Jacobus, M.A., F.A.S.G., New Haven, Connecticut, is an authoritative, scholarly publication containing the genealogies of and considerable data on many early Massachusetts families. See also, Jacobus, *Index to Genealogical Periodicals,* vol. I (1932), II (1948), III (1953).

A new aid to the genealogist, unfortunately not too well known, is the new series of Genealogical Microcards published by the Godfrey Memorial Library, of Middletown, Connecticut. Perhaps the most important of this series are *The Genealogical Index,* and *The Library of Congress Catalogue of English and American Genealogies.* This great genealogical bibliography answers quickly and comprehensively the question of what published genealogies there are on a particular family, so frequently asked of the genealogical librarian. Then there are Microcards of the genealogical column of the *Boston Transcript.* Nearly half of these cards are devoted to the genealogical records of families for which, at present, no other printed genealogy exists. The New England Historic Genealogical Society Library has copies of these Microcards.

This microfilm library is now being completely indexed in the *Genealogical-Biographical Index.* On the 1st of April (1956) the index had reached the letter "N". It is estimated that the final number of entries indexed will run to nearly two-million names—almost all of them 17th and 18th century.

Other Records

While perhaps strictly not the type of records properly belonging to this Massachusetts study, nevertheless the following sources are so helpful that they must be mentioned.

City and Town Directories are often useful sources. At the New England Historic Genealogical Society are thousands of directories covering most of the states. The State Library at Boston has a large collection of Massachusetts directories, probably the most complete assembled in any one place.

The records of the various Medical and Legal Societies, Fraternal Orders, Colleges, etc., contain valuable data. For example, the Masonic Grand Lodge of Massachusetts, Masonic Temple, Boylston Street, Boston, has indexed records dating from the early seventeen hundreds to the present time.

Among the College Records, the most important are the nine

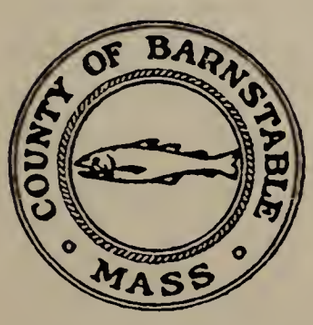
volumes of the Shipton-*Sibley's Harvard Graduates* with biographical sketches of those who attended Harvard College from 1642 to 1735. In compiling the biographies in the last six volumes, Clifford K. Shipton has explored public records, private manuscript collections, and colonial newspapers with a thoroughness impossible for a genealogist interested in a single family, profession, or place. In these volumes appear "royal governors, conterfeiters, college presidents, bootleggers, Indian fighters, drunkards, and clergymen of four persuasions. Together they form a cross-section of Colonial life in which the Harvard tie is only incidental."

It may not be out of place to call attention here to *The Centralization of Vital Records in the Various States, by* Harold Clark Durrell, a former editor of the *Register,* which gives complete information on what vital records have been assembled in the State Capitols of the forty-eight states, and in the District of Columbia. See New England Historical and Genealogical *Register,* vol. XC, January 1936, pp. 9-31.

IV

In the following pages will be found the division of the Commonwealth of Massachusetts by counties, giving the location of the Registry of Deeds and Probate, the office of the Clerk of the Courts, with a listing of the principal court records to 1859, together with the names of the various cities and towns in each county. The names of the cities are printed in capitals.

BARNSTABLE COUNTY



Established by order of the Plymouth Colony Court 2 June 1685. The Registry of Deeds, Registry of Probate, and office of the Clerk of the Courts are at Barnstable, the shire-town. The records of the towns in the county before 2 June 1685 are in the Registry of Deeds at Plymouth.

Fires in 1701 and 22 Oct. 1827 destroyed practically all original deed records of the county. The 1827 fire alone destroyed 93 books of deeds from 1686 to 1827. There are a few deeds recorded prior to 1827. The same 1827 fire destroyed all original probate records, but only two of the probate copy

books. The *Hinckley Papers,* in the New England Historic Genealogical Society at Boston, contain many papers, copies of those burned in the Barnstable fire.

The record of the terms of the Superior Court of Judicature held in Barnstable county, commencing in 1693, and the Minute Books, commencing in 1719, are in the office of the Clerk of the Supreme Judicial Court, Suffolk Co., Boston.

The following are the principal records in the County Court House: All County Court, Inferior Court of Common Pleas, Court of General Sessions of the Peace, and Circuit Court of Common Pleas records, ninety-three out of ninety-four volumes, were burned in the fire which destroyed the county buildings on 22 Oct. 1827. The Court of Sessions records commence 29 Jan. 1828; the Court of Common Pleas, 4 Sept. 1827; Superior Court, 2 July 1859. There are no Marriage, Notaries Public, or Miscellaneous records in the Clerk's Office.

Towns in Barnstable county and dates of establishment, or incorporation:

Barnstable (1638)	***Eastham** (1651)	**Provincetown**[23] (1727)
Bourne (1884)	**Falmouth**[21] (1694)	**Sandwich** (1638)
***Brewster** (1803)	**Harwich**[22] (1694)	***Truro**[24] (1709)
***Chatham** (1712)	**Mashpee** (1763)	**Wellfleet** (1763)
Dennis[20] (1793)	**Orleans** (1797)	**Yarmouth**[25] (1639)

* The *vital records* are in print.

BERKSHIRE COUNTY

Incorporated 21 April 1761. The Registry of Probate and the office of the Clerk of the Courts are at PITTSFIELD, the shire-town. The county is divided into three districts for the registry of deeds. Prior to the incorporation of the county in 1761, the deeds for the towns in Berkshire county were recorded at SPRINGFIELD. From 30 June 1761 to 18 June 1788, the Registry for the whole of Berkshire County was at SPRINGFIELD.

[20] Dennis—For vital records, see *Mayflower Descendant.*

[21] Falmouth—For Births, Marriages, and Deaths in town records, see *Advertiser,* vol. III, pp. 57-81; vol. IV, pp. 19, 81, 111; also records of two graveyards, printed by H. H. Smythe.

[22] The Harwich town records from 1694 to 1703 are lost.

[23] The Provincetown records from 1776 to 1788 are missing.

[24] Truro vital records were published by the *Mayflower Descendant* under Mr. Bowman, but not in the form authorized by the Commonwealth.

[25] The Yarmouth town records, previous to 1677, were burned in the fire which destroyed the town clerk's house.

Northern District

Established 18 June 1788. Registry at Adams. The city and towns constituting the district are Adams, Cheshire, Clarksburg, Florida, Hancock, Lanesborough, New Ashford, North Adams, Savoy, Williamstown, and Windsor. The city and town records from 1761 to 1789 are in the Registry of Deeds at Pittsfield.

Middle District

Established 18 June 1788. Registry at Pittsfield. The city and towns in this district are Becket, Dalton, Hinsdale, Lee, Lenox, Otis, Peru, Pittsfield, Richmond, Stockbridge, Tyringham, and Washington. The Pittsfield Public Library has a set of typed and bound MS volumes of newspaper accounts of marriages, deaths, and church records, indexed by towns for the whole county.

Southern District

Established 18 June 1788. Registry at Great Barrington. The towns constituting the district are Alford, Egremont, Great Barrington, Monterey, Mount Washington, New Marlborough, Sandisfield, Sheffield, and West Stockbridge. The town records from 1761 to 1790 are in the Registry of Deeds at Pittsfield.

The record of the terms of the Superior Court of Judicature held in Berkshire County, commencing in 1763, are in the office of the Clerk of the Supreme Judicial Court, Suffolk Co., Boston.

The following are the principal records in the County Court House: The County Court records, if any, will be found in the Hampshire County records. The Inferior Court of Common Pleas records commence 13 July 1761; Court of Sessions, 11 Apr. 1808; Court of General Sessions of the Peace, 1 Sept. 1761; Circuit Court of Common Pleas, 26 Aug. 1811; Court of Common Pleas, 25 Feb. 1783; Superior Court, 24 Oct. 1859. There is one volume of Marriage records from thirteen towns[26] covering the period from May 1788 to June 1795. There are no records of Notaries Public in the Clerk's Office. In the Miscellaneous records, the earliest volume is a record of Executions from 1767 to 1787, indexed under the name of the plaintiff.

[26] These towns are Adams, Cheshire, Dalton, Egremont, Great Barrington, Lanesborough, Lenox, Mount Washington, Pittsfield, Tyringham, West Stockbridge, Williamstown, and Windsor [First *Report*, Mass. Commissioner of Public Records (1885), p. 335].

Cities and towns in the Berkshire county and date of establishment or incorporation:

Adams[27] (1778)
*Alford (1773)
*Becket (1765)
Cheshire (1793)
Clarksburg[28] (1798)
*Dalton (1784)
Egremont (1775)
Florida (1805)
*Great Barrington[29] (1761)
Hancock[30] (1776)
*Hinsdale (1804)
Lanesborough (1765)
*Lee (1777)
Lenox (1767)
Monterey (1847)
Mount Washington[31] (1779)
*New Ashford (1781)
New Marlborough (1759)
NORTH ADAMS[32] (1878)
*Otis (1810)
*Peru (1806)
PITTSFIELD (1761)
*Richmond[33] (1785)
*Sandisfield (1762)
Savoy[34] (1797)
Sheffield (1733)
Stockbridge (1739)
*Tyringham[35] (1762)
*Washington (1777)
*West Stockbridge (1774)
*Williamstown (1765)
*Windsor (1778)

* The *vital records* are in print.

BRISTOL COUNTY

Established by order of the Plymouth Colony Court, 2 June 1685. Bristol was the shire-town until 13 Nov. 1746 when it was succeeded by TAUNTON.[36] The county is divided into three districts for the registry of deeds. The Registry of Probate and the office of the Clerk of the Courts are at TAUNTON, one of the two shire-towns. The other is NEW BEDFORD.

The earliest records in the Registry of Deeds at TAUNTON are in vol. I (1686-1696), 387 pages. The earliest deed was recorded there 14 Sept. 1686. All deed records before this date are at the Plymouth Registry of Deeds at Plymouth. The earliest probate records in the Registry of Probate at TAUNTON are in vol. I (1687-1698), 230 pages. The earliest probate record was recorded 18 Aug. 1687. The County

[27] Some of the early Adams records were destroyed; those prior to 1878 are at North Adams.

[28] A volume of Clarksburg town records from 1798 to 1855 is missing.

[29] The Great Barrington town records from 1812 to 1817 were lost by fire.

[30] In 1912, the Hancock town records were being copied by W. K. Hadselle, town clerk, and the church records by Rev. George E. Allen. Gravestone records are in the library of the New England Historic Genealogical Society.

[31] The Mount Washington town records prior to 1796 were lost by fire.

[32] The NORTH ADAMS city records contain the records of the town of Adams from 1778 to 1877.

[33] The Richmond town and parish records prior to 1776 were destroyed by fire.

[34] The Savoy proprietors' records are dated at Rehoboth, 1771.

[35] The Tyringham records prior to 1847 are in the custody of the Town Clerk of Monterey.

[36] Due to a boundary line change, the towns of Tiverton, Little Compton, Bristol, Warren, Barrington, and Cumberland were restored to Rhode Island by Royal Decree 28 May 1746. Six months later, the county office and records were moved to the new county seat at Taunton. Some of the records appear to have been lost in moving and there has always been a question as to what became of them. The court records of the old Bristol County from 1685 to 1696 are missing.

Court proceedings prior to 1692 are in this office. All probate records before 1687 are in the Registry of Deeds, Plymouth.

The principal records in the County Court House at TAUNTON are: The Inferior Court of Common Pleas records commencing in 1696;[37] the Court of Sessions, 12 Apr. 1702; the Circuit Court of Common Pleas, 9 Dec. 1811; the Court of Common Pleas, 11 Mar. 1783; the Superior Court, 5 Dec. 1859. There is one volume of Marriage records, from 1783 to 1795, containing marriage records from fourteen towns: Attleboro, Easton, and Norton, 1783-1795; Berkley, 1776-1791; Dartmouth, 1762-1795; Dighton, 1772-1796; Freetown, 1784-1796; Mansfield, 1788-1794; NEW BEDFORD and Westport, 1787-1795; Rehoboth and Swansea, 1785 to 1795; Somerset, 1790-1794; and TAUNTON, 1782-1795. The earliest Notaries Public records commence in 1853; the earliest Miscellaneous records, in 1836. The County Court records from 1692, instead of being among these court records are in the Registry of Probate.

The record books of the terms of the Superior Court of Judicature held in Bristol county, commencing in 1693 and ending in 1782, and the Minute books, commencing in 1719 and ending in 1784, are in the office of the Clerk of the Supreme Judicial Court, Suffolk Co., Boston. The County Court proceedings from 1692 are in the TAUNTON Registry of Probate.

In the basement of the Taunton Superior Court Building are many disorderly files of original papers containing all sorts of miscellaneous letters and court documents, the earliest dated in the late 1690's. Another lot commences in 1709 and ends about 1730. In their jumbled condition, only a reading will disclose the subject matter.

NORTHERN DISTRICT

Registry at TAUNTON. The cities and towns constituting the district are ATTLEBOROUGH, Berkley, Dighton, Easton, Mansfield, North Attleborough, Norton, Raynham, Rehoboth, and Seekonk. Some of the county, city, and town records, from 2 June 1685, are in the Registry of Deeds at TAUNTON.

SOUTHERN DISTRICT

Established 1 July 1837. Registry at NEW BEDFORD, the other shire-town. The city and towns constituting the district are Acushnet, Dartmouth, Fairhaven, Freetown, NEW BEDFORD, and Westport.

[37] Not 10 Oct. 1702 as stated in the First *Report*, Mass. Commissioner of Public Records (1885), p. 335. The records for the years 1715 to 1723, inclusive, are missing.

Fall River District

Established 1 Jan. 1892. Registry at Fall River. The city and towns constituting the district are Fall River, Somerset, and Swansea.

Cities and towns in Bristol county and date of establishment or incorporation:

Acushnet (1860)	FALL RIVER (1803)	Raynham (1731)
*ATTLEBOROUGH[38] (1694)	Freetown[44] (1683)	*Rehoboth[47] (1645)
Berkley[39] (1735)	*Mansfield (1770)	*Seekonk[48] (1812)
*Dartmouth[40] (1652)	*NEW BEDFORD (1787)	Somerset (1790)
Dighton[41] (1712)	*North Attleborough[45]	*Swansea[49] (1668)
Easton[42] (1725)	(1887)	*TAUNTON[50] (1639)
Fairhaven[43] (1812)	*Norton[46] (1710)	*Westport (1787)

* The *vital records* are in print.

[38] The earliest records in the Attleboro City Clerk's office are the *Town of Attleborough Records* (1672-1724), 446 pages. On the fly-leaf is written: "The Book of the Recordes of the North Purchased Landes belonging to Rehoboth, 1672; William Carpenter, First Book Anno Domini, 1766". There are few dates in the volume previous to 1700.

[39] On 3 Feb. 1894 the Berkley selectmen voted that "all the town records of birth, marriages, and deaths, from the [date of] incorporation of the town" be indexed. This included Books I, II, III, A, and B, covering the period from 1735 to 1860; also, the Congregational Church records, Book I (1736-1781) and the Register (1860-1895). This index was completed and is found in a hand-written book in the Town Clerk's office. It is to be used with care, however, for it contains much injected information not found in the town records. The introduction states that to the town records "has been added names of persons, with date of birth, to complete the family list and the date of the decease of persons where no record is found in the Town Books, the record being supplied from gravestones and other sources; there is added also a list of the marriages copied from the 1st Book of Records of the Congregational Church of Berkley, kept by the pastor, Rev. Samuel Tobey (1737-1754)." Few of these entries appear in the town records. For gravestone records, see N.E. Hist. Gen. Society *Register*, vol. VIII, p. 286.

[40] The Dartmouth Proprietors' records are in the Registry of Deeds at New Bedford.

[41] The vital records of Dighton are in type script. The original records of the Dighton First Baptist Church, from 1808 to 1850, are in the Old Colony Historical Society at Taunton. A copy of the early record book, compiled by Miss Helen Kimball is in the New England Historic Genealogical Society library.

[42] The names of the Easton proprietors are in the records of the Taunton North Purchase Company, in custody of the Clerk of that company. MS records, compiled by Mrs. Ella F. Huntoon, are in the safe at the New England Historic Genealogical Society.

[43] All Fairhaven records from 1812 to 1815 are lost.

[44] The Proprietors' records for the first twenty-four years of the "Freeman Purchase" of the twenty-six lots, afterwards Freetown, are lost, undoubtedly in the fire which destroyed the house of Selectman James Winslow, about 1870. The Freetown town records, from 1683 to 1688, were probably kept in this lost volume. Mrs. Eugene A. Herbert, the Freetown genealogist now in her 94th year (1956), told the writer, in 1946, that she remembered talking with persons who had seen and read these lost records. She further said that about 1930 the Freetown book of births, marriages, and deaths, was taken to Boston to be preserved by the Emery process. At some point in the journey, the first sheet in the book, compactly written on both sides by Samuel Gardner, the first town clerk, was lost and unfortunately never found. Some sixty years ago, when Palo Alto Peirce was town clerk, Mrs. Katharine Peabody, living in 1946, wrote an index for this book. She said that the town clerk had his son, Pembroke, a boy about fifteen years old, read the old records and had her do the writing. Unable to decipher some of the old writing, the boy guessed at what he couldn't read. She said that she made some corrections in the names as he read them, but that there were many that she herself could not read. As would be expected, this index is very inaccurate and cannot be safely used without a careful rechecking with the original entries.

At the Old Colony Historical Society at Taunton is a manuscript book, size 6½ x 8 inches, of 197 pages of "Marriages copied from Books I, II, III, and V of Freetown Records, with 323 names gathered from the Records of Surrounding towns wherein one or both

of the Contracting Parties belonged in Freetown. Palo Alto Peirce, Town Clerk." There is, also, another manuscript book, size 7¾ by 9¾ inches, of 121 pages, entitled "A copy of ye Deaths in Books I, II, III, V, and VI of ye Records of ye Ancient Town of Freetown, Massachusetts (1686-1844)". The birth, marriage, and death records of the town, and the MS of Rev. S. Brett's marriages, 1748-76, are in the New England Historic Genealogical Society. See its *Register,* vol. IV, p. 33.

[45] The North Attleborough vital records are included in the ATTLEBOROUGH vital records.

[46] The Norton town records from 1760 to 1769 are missing.

[47] Rehoboth, originally Seekonk (1643); name changed, 1645. The original Rehoboth Proprietors' Records, in five volumes, from 1660 to 1848, are at the Bristol County Registry of Deeds at Taunton. These books have all been copied, but must be checked with the originals, for there are numerous errors in transcribing. For instance, in volume I, p. 13, John *Fites,* should read *Fitch;* on pp. 15 and 41, Edward *Saile* should read *Sarls;* on p. 28, Nathaniel *Palmer* should read *Paine;* on p. 32, Mr. *Vilbeame* should read *Pilbeame;* on p. 36, James *Calrks* should read *Clarks;* and on p. 63, John *Button,* although correctly copied from the original, should read *Sutton.* In the same office is also another book entitled "Proprietors' of Rehoboth, Meetings [1730-1841]."

A copy of *Baptisms* from *Rehoboth Church Records,* by Rev. Thomas Greenwood, from 17 Feb. 1694 to 17 Apr. 1709, with *Records of the Greenwood Family,* is printed in New England Historic Genealogical Society *Register,* vol. XV, pp. 67-72, 239-240.

A copy of Rehoboth baptisms and marriages, from 22 Oct. 1721 to 28 Nov. 1777, from the *Book of Church Records of the First Church in Rehoboth,* made by Hubbard Winston Bryant, Boston, 1860, is in the library of the New England Historic Genealogical Society at Boston. In the original is a note reading: "Rehoboth Feb. 21, 1738/9—This book was given me by my honored father Rev. Thomas Greenwood (Signed) John Greenwood, Pastor".

The only extant original record of the Palmer's River church, organized in 1721, is the *Rehoboth Second Precinct Book* (1759-1827), 395 pp., in the possession of the Rehoboth Congregational Church Society at Rehoboth.

The original *Records of the Church of Christ in Rehoboth under the Pastoral care of Nathan Parce and Thomas Simeons, Elders,* from January 1789 to 13 June 1842, are in the possession of the Old Colony Historical Society at Taunton, presented to the Society by Nancy Huldah Wilmarth. A MS Wilmarth genealogy is in the possession of the New England Historic Genealogical Society.

Many of the Rehoboth 1782 to 1795 marriages recorded at the County Court House, at Taunton, do not appear in Arnold's *Rehoboth Vital Records.*

[48] The Seekonk vital records (including East Providence and Pawtucket, R. I., and the Newman Congregational Church), are found in James N. Arnold's *Vital Records of Rhode Island,* vol. IX.

[49] The Swansea records of deaths, from 1800 to 1843, are missing. The earliest Swansea records of births, marriages, and deaths is "Book A (1663-1709)". Alverdo H. Mason transcribed and printed these records in 1900, and did an excellent job. The earliest town records are found in the volume of *Swansea Town Meetings* (1667-1793), 312 pages, and the *Swansea Proprietors' Book, Grants and Meetings* (1668-1769), 153 pages. A manuscript index of Swansea vital records, compiled by a former town clerk, was copied and published in 1930 by Marion Pearce Carter under the title *"A copy of the Index of Swansea Mass. Vital Records, Book B and a few Records of Book D,* vol. VIII". This index must be used with great care, for when the town clerk compiled his list he used his imagination a great deal and included much not found in the original records, especially in coupling up marriages. Among the Swansea 1783 to 1795 marriage records recorded at the Taunton County Court House, are many which do not appear in the Swansea records. The original Sowam's Proprietors' Records, Swansea, commencing with the copy of Massasoit's deed of March 1653, is in the town clerk's office at Barrington, R. I. These records were published in 1908 by Thomas W. Bicknell, under the title of *Sowams, with Ancient Records of Swansea and Parts Adjacent.*

[50] The Taunton records prior to 1804 were lost in the $110,000 fire which started at four o'clock Sunday morning 23 Sept. 1838 and destroyed twenty-five buildings, including the library and valuable manuscripts of Francis Baylies, the historian. Edmund Anthony was Town Clerk (1835 to 1845) and also publisher of the weekly *Bristol County Democrat.* The following Friday issue of the newspaper states that the building occupied by "Edward Anthony as Town Clerk's office and office of the Bristol County Democrat was burned; loss $800; Town Records mostly saved" [*Bristol County Democrat,* 28 Sept. 1838].

The following Taunton Proprietors' Records are extant: The first four (or five) volumes, 1642 to 1816, bound in one volume, preserved by the Emery process, are in the clerk's office, Taunton City Hall. Four volumes of the Proprietors' North Purchase records, commencing in 1668, are in the possession of the Old Colony Historical Society. One volume of the Proprietors' South Purchase records, commencing in 1672, is in the office of the Taunton Registry of Deeds. These proprietors' books contain Taunton marriage, birth, and death records from 1660 to 1700.

COUNTY OF DUKES COUNTY

Established 1 Nov. 1683 by act of Legislature of the Province of New York. It is peculiar in its name inasmuch as it is the only county where the word county appears twice. Incorporated by the Province of the Massachusetts Bay 22 June 1695.[51] The Registries of Deeds and Probate, and office of the Clerk of the Courts is at Edgartown, the shire-town.

The record of the terms of the Superior Court of Judicature held in Dukes County, commencing in 1696, and the Minute Books commencing in 1719, are in the office of the Clerk of the Supreme Judicial Court, Suffolk Co., Boston.

The principal records in the County Court House are as follows: one large volume of miscellaneous records for the island of Martha's Vineyard, chiefly court, from 1665 to 1715, covering a period of

[51] In 1641, Thomas Mayhew, of Watertown, Mass., a former merchant, of Southampton, England, purchased the islands of Martha's Vineyard, Nantucket, and the Elizabeth Islands from the Earl of Stirling. Later, a better title was claimed by Sir Fernando Gorges, who styled himself "Lord Palentine of the Province of Maine". Mayhew purchased the islands for the second time. In 1642, Thomas Mayhew, Jr., established a settlement at Martha's Vineyard. From that time until 1665 it was virtually an independent colony, owned by Thomas Mayhew and his only son, co-patentee Thomas Mayhew, Jr. Then the Duke of York, later King James II of England, purchased the Lord Stirling patents and asserted his claim to the overlordship of Martha's Vineyard and adjacent islands. On 8 July 1671, Thomas Mayhew had to make purchase of the islands for the third time. He received a patent for some of the islands and for "Tysbury Manor", on Martha's Vineyard, naming him and eldest grandson joint lords and "their Heyres and Assigns". He received also, a commission as Governor of Martha's Vineyard "during his natural life" over the English and Indian inhabitants.

On 28 June 1671, Gov. Francis Lovelace, "by vertue of ye Commission and Authority unto mee given by His Royall Highnesse upon whom (as well by ye Resignation & Assignment of ye Heyres of ye said William Earle of Sterling and also by Lawfull Grant & Patent from his Royall Ma^{tie} Charles the second) ye Propriety & Government of Long Island, Martins Vineyard, Nantucket, & all ye Islands adjacent, . . . gave, granted, ratified, and confirmed" unto Tristam Coffin Sen^{r} and Thomas Macy as Patentees for & only on ye behalfe of themselves & their associates ye Inhabitants ffreeholders . . . ye said Island called Nantuckett Island, . . . so much thereof as hath by them been made Purchase of". The following day, Governor Lovelace conveyed Tuckaruckett Island to Tristam Coffin Sen^{r}, Peter Coffin, Tristam Coffin Jun^{r}, and James Coffin [*N.Y. Book of Patents,* vol. IV, p. 70].

On 8 July 1671, Governor Lovelace granted to Thomas Mayhew Sen^{r} and Thomas Mayhew Jun^{r} "A certain Island . . . in length over against ye Maine near East and West and being to ye North West of ye Island Nantuckett", containing lands bought of the Indians called Chickemote, Keep-hickon, Quinaimes, Nashowa-Kemmuck, "together with two of ye Elizabeth Islands called Kataymuck & Nanname-sitt and several other small and inconsiderable islands in Monument Bay . . . to be called and knowne by ye name of Tysbury Manno^{r}." [*Ibid.*, vol. IV, p. 73].

By an act passed by the legislature of the Province of New York 1 Nov. 1683, entitled "An act to divide this province and dependences into shires and Countyes" the County of Dukes County was established to contain the Island of Nantucket, Martin's Vineyard, Elizabeth Island, and nomans Land". By the Province Charter of 1691, the "Isles of Cappawock and Nantucket, near Cape Cod" were granted to the Province of Massachusetts. On 13 June 1693, the Province Laws refer to the "Islands of Capawack, alias Martha's Vineyard". On 22 June 1695 (Province Laws, vol. I, p. 216) it was ordered that "The Islands of Martha's Vineyard, Elizabeth Islands, the islands Nomans's land, and all the dependencies formerly belonging to Dukes County (the Island of Nantucket only excepted) shall be and remain, and continue to be one county to all intents and purposes, by the name of Dukes County".

eighteen years before the establishment of the County of Dukes County by the New York Legislature; the Inferior Court of Common Pleas records commencing 31 Mar. 1722; Court of Sessions, 18 May 1808; Court of General Sessions of the Peace, 15 May 1687; Circuit Court of Common Pleas, 13 May 1814; Court of Common Pleas, 20 May 1822; Superior Court, 2 July 1859. There are no Marriage records in the Clerk's Office. The earliest Notaries Public records commence in 1807. There is one large volume of miscellaneous records, chiefly court, from 1665 to 1715. It contains the records of three terms of a court called "Court of Sessions", held in 1680, 1681, and 1684. These records are for the island of Martha's Vineyard commencing eighteen years before the County of Dukes County was established by the Legislature of the Province of New York. See Charles E. Banks' MS on Dukes County in the New England Historic Genealogical Society at Boston, for court, probate, deeds, and other records.

Town in Dukes county and date of establishment or incorporation:

***Chilmark** (1694)
***Edgartown** (1671)
Gayhead[52] (1856)
Gosnold (1864)
Oak Bluffs (1907)
***Tisbury** (1671)
West Tisbury (1892)

* The *vital records* are in print.

ESSEX COUNTY

Incorporated 10 May 1643. The county is divided into two districts for the registry of deeds. Prior to 1869 the Registry for the whole of Essex County was at SALEM. The Registry of Probate and the office of the Clerk of the Courts are at SALEM, one of three shire-towns.

NORTHERN DISTRICT

Established 1 Oct. 1869. Registry at LAWRENCE, a shire-town. The city and towns constituting the district are Andover, LAWRENCE, Methuen, and North Andover.

SOUTHERN DISTRICT

Registry at SALEM, a shire-town. The cities and towns constituting the district are Amesbury, BEVERLY, Boxford, Danvers, Essex, Georgetown, GLOUCESTER, Groveland, Hamilton, HAVERHILL, Ipswich,

[52] One volume of Gayhead town records from 1876 to 1880 is lost.

LYNN, Lynnfield, Manchester, Marblehead, Merrimac, Middleton, Nahant, Newbury, NEWBURYPORT (a shire-town), PEABODY, Rockport, Rowley, SALEM, Salisbury, Saugus, Swampscott, Topsfield, Wenham, and West Newbury. In this Registry are three series of records: The Ipswich series, 1640 to 1694; the old county of Norfolk series, 1637 to 1714; and the present Salem series beginning in 1640. There are also several hundred unrecorded deeds which are kept separate, but can be seen by request.

The record of the terms of the Superior Court of Judicature held in Essex County, commencing in 1693, and the Minute Books, commencing in 1702, are in the office of the Clerk of the Supreme Judicial Court, Suffolk Co., Boston.

The principal records in the County Court House are as follows: The County Court records commencing 20 Jan. 1636; Inferior Court of Common Pleas, 27 Jan. 1692; Court of Sessions, 10 May 1808; Court of General Sessions of the Peace, 27 June 1693; Circuit Court of Common Pleas, 30 Dec. 1811; Court of Common Pleas, 3 Dec. 1782; Superior Court, 5 Sept. 1859; Criminal Court, 8 May 1849. There are four volumes of Marriage records. The first volume, 1654 to 1691, contains the records of ten towns; the second volume,[53] 1681 to 1786, twenty-one towns; the third volume, 1776 to 1795, twenty-three towns; and the fourth volume, 1631 to 1791, seven towns, a total of sixty-one towns.[54] The earliest Notaries Public record commences in 1803. Miscellaneous records, 1836. The Essex Institute has printed the Essex Quarterly Court Files (1636-1680).

Cities and towns in Essex county and date of establishment or incorporation:

*Amesbury[55] (1668)
*Andover[56] (1646)
*BEVERLY[57] (1668)
*Boxford (1694)
*Danvers (1752)
*Essex (1819)
*Georgetown (1838)
*GLOUCESTER (1642)
Groveland (1850)
*Hamilton (1793)
*HAVERHILL (1641)
*Ipswich (1634)
*LAWRENCE (1847)
*LYNN[58] (1637)
*Lynnfield (1782)
*Manchester[59] (1645)
*Marblehead[60] (1635)
Merrimac (1876)
*Methuen (1725)
*Middleton (1728)
Nahant (1853)
*Newbury (1635)
*NEWBURYPORT (1764)
North Andover (1855)
PEABODY (1868)
*Rockport (1840)
*Rowley[61] (1639)
*SALEM[62] (1630)
*Salisbury[63] (1640)
*Saugus (1815)
Swampscott (1852)
*Topsfield[64] (1648)
*Wenham[65] (1643)
*West Newbury (1820)

* The *vital records* are in print.

[53] This is a volume of the Ipswich court series, and also contains a record of births and deaths.

[54] For names of the sixty-one towns, see First *Report* of the Mass. Commissioner of Public Records (1885), pp. 340, 341. There are many volumes of records of innholders licenses, etc., stored in the attic of the Essex County court house.

FRANKLIN COUNTY

Incorporated 24 June 1811. Registry of Deeds at Greenfield. On 1 Mar. 1787, three Registries of Deeds were established in Hampshire County: one at Northampton for twenty-two towns, one at Deerfield "for towns north of the above", and one at SPRINGFIELD "for towns south of the above." The "towns north of the above" at that time, and conseqently within the jurisdiction of the Registry at Deerfield, were probably Ashfield, Bernardston, Buckland, Charlemont, Colrain, Conway, Deerfield, Greenfield, Heath, Leverett, Leyden, Montague, New Salem, Northfield, Orange, Rowe, Shelburne, Shutesbury, Sunderland, Warwick, Wendell, and Whately. The records for these towns prior to 1787, are in the Registry of Deeds at SPRINGFIELD.

With the completion of the Quabbin Dam in 1936 and the consequent flooding of the area in the development of a water system, most of the town of Greenwich, Hampshire Co., was submerged and parts of the town, not under water, were annexed to the towns of New Salem, Franklin Co., and Petersham, Worcester Co., under provision of the Acts of 1938, Chapter 240, Sections 3a and 3b.

The Registry of Probate and the office of the Clerk of the Courts are at Greenfield, the shire-town. The following are the principal records in the County Court House: The Court of Sessions records commencing 5 Mar. 1812; Circuit Court of Common Pleas, 12 Mar. 1812; Court of Common Pleas, 13 Aug. 1821; Superior Court, 8 Aug.

[55] One volume of Amesbury births, marriages, and deaths covering the years from 1666 to 1686 is lost. MS Epitaphs are in the New England Historic Genealogical Society library.

[56] It is believed that some of the earliest Andover proprietors' and miscellaneous records from 1643 to 1703 were destroyed.

[57] There is a record of marriages in other towns of residents of Beverly from 1683 to 1799.

[58] The greater part of the old Lynn records were burned in 1863.

[59] The early Manchester records are badly kept and show omissions of many years. The second volume is so illegible and mutilated as to be useless as a record.

[60] The second volume of Marblehead town records, 1710 to 1721, is lost.

[61] One volume of the Rowley proprietors' records is in the Massachusetts State Library.

[62] The Essex Institute has printed the Salem town meetings, church, and other records. Court cases of today's town of Hampton, N. H., are now at Salem as Hampton was part of Norfolk Co. in the 17th century. When Norfolk Co. was abolished, it became part of Essex and its records were incorporated in Essex Co. records at Salem.

[63] The Salisbury town records were called proprietors' records until 1738.

[64] The Topsfield records from 1650 to 1675 are lost. The original records of births, marriages, and deaths from 1645 to 1695 are lost, but the omissions have been supplied by copies made from the County Court records.

[65] The Wenham assessors' records from 1778 to 1782 are missing.

1859. There are no marriage records in the Clerk's Office. The earliest Notaries Public records commence in 1872; the earliest Miscellaneous records, in 1836.

Towns in Franklin county and date of establishment or incorporation:

*Ashfield[66] (1765)
Bernardston[67] (1762)
*Buckland[68] (1779)
*Charlemont (1765)
*Colrain[69] (1761)
*Conway (1767)
*Deerfield[70] (1677)
Erving (1838)
*Gill (1793)
*Greenfield (1753)
Hawley[71] (1792)
*Heath (1785)
Leverett (1774)
Leyden (1784)
Monroe (1822)
*Montague[72] (1754)
*New Salem[73] (1753)
*Northfield[74] (1714)
Orange (1783)
Rowe (1785)
*Shelburne (1768)
Shutesbury (1761)
Sunderland[75] (1718)
Warwick (1763)
Wendell (1781)
*Whately[76] (1771)

* The *vital records* are in print.

HAMPDEN COUNTY

Incorporated 25 Feb. 1812. The Registries of Deeds and Probate and the office of the Clerk of the Courts are at SPRINGFIELD, the shire-town.

On 1 Mar. 1787, three Registries of Deeds were established in Hampshire County; one at Northampton for twenty-two towns, one at Deerfield "for towns north of the above", and one at SPRINGFIELD "for towns south of the above." The "towns south of the above" at that time, and consequently within the jurisdiction of the Registry at SPRINGFIELD at that time, were probably Blandford, Brimfield, Granville, Holland, Longmeadow, Ludlow, Monson, Montgomery, Palmer, South Brimfield (now Wales), Southwick, SPRINGFIELD, Tolland, Westfield, West Springfield, and Wilbraham.

[66] No Ashfield records were kept prior to 1776.

[67] MS birth, marriage, and death records for Bernardston are in the New England Historic Genealogical Society library.

[68] All Buckland records were burned 22 July 1876. The vital records of Colrain and Montague are bound together in the Buckland volume.

[69] The vital records of Colrain are bound in the Buckland volume.

[70] The Deerfield proprietors' records are in the possession of the Pocomtuck Valley Memorial Association.

[71] For Hawley vital records, see Atkin's History of Hawley.

[72] The records of Montague are scattered; a part are at Turner's Falls in possession of the Town Clerk; a part at Montague Center, and parts in other places. The vital records are bound in the Buckland volume.

[73] All the New Salem records prior to 1855 were burned in that year.

[74] The first volume of Northfield town records from 1723 to 1766 is lost. A book of birth, marriage, and death records is in the Dickinson Library, Northfield, titled "Alexander Papers, No. 8".

[75] The Sunderland town records from 1673 to 1713 are lost.

[76] The Whately records of births, marriages, and deaths, prior to 1850, were compiled from private records.

The Registry at SPRINGFIELD was the Registry for the original county of Hampshire, which comprised the present county of Berkshire until 1761; the present county of Franklin until 1811; the present county of Hampden until 1812; certain towns afterward in the present county of Worcester; and the towns of Somers and Suffield now in the State of Connecticut. It must be remembered that the Hampshire County Deeds to the time Hampden County was formed, are at SPRINGFIELD, and that the Hampshire County Probates, including the present Hampden County for the period before the division, are at Northampton.

The following are the principal records in the County Court house: The Inferior Court of Common Pleas records commencing 6 June 1693; Court of Sessions, 14 Sept. 1812; Court of General Sessions of the Peace, 25 Sept. 1694; Circuit Court of Common Pleas, 31 Aug. 1812; Court of Common Pleas, 21 Aug. 1821; Superior Court, 3 Oct. 1859. There are no marriage records in the Clerk's Office. In 1885 the early records of the Magistrates for this jurisdiction, commencing about 1636 and called the *Pynchon Records,* were in the possession of Henry Morris of Springfield.

Cities and towns in Hampden county and date of establishment or incorporation:

Agawam (1855)	Holland (1783)	Russell[82] (1792)
Blandford[77] (1741)	HOLYOKE (1850)	Southwick[83] (1770)
*Brimfield[78] (1714)	Longmeadow[79] (1783)	SPRINGFIELD[84] (1641)
*Chester (1783)	Ludlow (1774)	Tolland (1810)
CHICOPEE (1848)	Monson[80] (1760)	Wales[85] (1828)
East Longmeadow (1894)	*Montgomery (1780)	Westfield (1669)
*Granville (1754)	*Palmer[81] (1752)	*West Springfield (1774)
Hampden (1878)		Wilbraham[86] (1763)

* The *vital records* are in print.

[77] The Blandford records prior to 1742 were lost by fire.

[78] The Brimfield proprietors' records previous to 1731 were lost by fire.

[79] For Longmeadow families, births, marriages, and deaths, and some account of what became of the children, see the New England Historical & Genealogical *Register,* vols. XXXI-XXXVIII, and vol. XLIX.

[80] There is no record of Monson marriages from 1762 to 1800.

[81] The Palmer records prior to 1841 are incomplete; those from 1807 to 1818 were lost by fire. The proprietors' and some of the older town records were in the public library building in 1893.

[82] The Russell records prior to 1804 were in loose sheets, not bound; these sheets are lost.

[83] A volume of Southwick town records from 1819 to 1834 is missing.

[84] The Springfield town records from 1664 to 1681 are incomplete.

[85] A MS copy of the town records of Wales, by Absalom Gardner, may be consulted at the Town Clerk's office.

[86] In 1913, a Mr. Peck made a MS copy of the Town of Wilbraham vital records.

HAMPSHIRE COUNTY

Incorporated 7 May 1662. Registries of Deeds and Probate and office of the Clerk of the Courts are at NORTHAMPTON, the shire-town. A registry was established at NORTHAMPTON 1 March 1787 for the towns of Amherst, Belchertown, Chester (part annexed to Norwich, 1853), Chesterfield, Cummington, Easthampton, Goshen, Granby, Greenwich (now non-existent), Hadley, Hatfield, Middlefield, Northampton, Norwich (now Huntington), Pelham, Plainfield, Southampton, South Hadley, Ware, Westhampton, Williamsburg, and Worthington. The records for these towns prior to 1787 are in the Registry of Deeds at SPRINGFIELD, Hampden Co., incorporated 25 Feb. 1812.

With the completion of the Quabbin Dam in 1936 and the subsequent flooding of the area in the development of a water system, most of the town of Greenwich, Hampshire Co., was submerged and parts of the town, not under water, were annexed to the towns of New Salem, Franklin Co., and Petersham, Worcester Co., under provision of the Acts of 1938, Chapter 240, Sections 3a and 3b.

After the Quabbin Dam was built, many of the old records of the submerged towns were stored in an office building at the dam site. Among those especially noted were the Proprietors' Records of the Town of Greenwich.

The record of the terms of the Superior Court of Judicature held in Hampshire county, commencing in 1716, and the Minute Books commencing in 1728, are in the office of the Clerk of the Supreme Judicial Court, Suffolk Co., Boston.

The following are the principal court records in the County Court House: The County Court records commencing 25 Sept. 1677; the Inferior Court of Common Pleas, 7 Mar. 1726; Court of Sessions, 1 Jan. 1800; Court of General Sessions of the Peace, 4 Mar. 1728; Circuit Court of Common Pleas, 4 Nov. 1811; Court of Common Pleas, 26 Aug. 1783; Superior Court, 17 Oct. 1859. There are no separate volumes containing records of marriages, but in the *General Sessions of the Peace,* vol. L, between the years 1786 to 1790 are Marriage records in fourteen different towns[87]. The Notaries Public records commence in 1813. There are no miscellaneous records in the Clerk's Office.

[87] For names of these towns, see First *Report* of Mass. Commissioner of Public Records (1885), p. 347.

City and towns in Hampshire county and date of establishment or incorporation:

Amherst[88] **(1759)**
Belchertown[89] **(1761)**
Chesterfield (1762)
Cummington[90] **(1779)**
Easthampton (1785)
Goshen (1781)
Granby (1768)
Hadley[91] **(1661)**
Hatfield[92] **(1670)**
***Huntington (1855)**
***Middlefield (1783)**
NORTHAMPTON (1656)
***Pelham (1743)**
Plainfield (1785)
South Hadley (1753)
Southampton (1753)
Ware (1761)
Westhampton[93] **(1778)**
Williamsburg (1771)
***Worthington (1768)**

* The *vital records* are in print.

MIDDLESEX COUNTY

Incorporated 10 May 1643. The county is divided into two districts for the registry of deeds. The Registry of Probate and the office of the Clerk of the Courts are at CAMBRIDGE (East), one of the two shire-towns. Prior to 1855 the Registry for the whole of Middlesex County was at CAMBRIDGE.

NORTHERN DISTRCT

Established 1 July 1855. Registry at LOWELL, the other shire-town. The city and towns constituting the district are Billerica, Carlisle, Chelmsford, Dracut, Dunstable, LOWELL, Tewksbury, Tyngsborough, Westford, and Wilmington. The town of Littleton was in this district from 1 June 1856 to 1 June 1860. The records of these towns from 1649 to 1855 are in the Registry at CAMBRIDGE.

SOUTHERN DISTRCT

Registry at CAMBRIDGE. The cities and towns constituting this district are Acton, Arlington, Ashby, Ashland, Ayer, Bedford, Belmont, Boxborough, Burlington, CAMBRIDGE, Concord, EVERETT, Framingham, Groton, Holliston, Hopkinton, Hudson, Lexington,

[88] A MS record of the Amherst church, and of three graveyards, are in the New England Historic Genealogical Society library.

[89] The Belchertown assessors' records for 1804 are missing.

[90] Cummington gravestone MS records are in the New England Historic Genealogical Society library.

[91] Some Hadley 1748 death records are in the New England Historical & Genealogical *Register*, vol. LV, p. 442. The MS records of six cemeteries, and a Diary, are in the vaults of the New England Historic Genealogical Society.

[92] Hatfield has one volume of births, marriages, and deaths in the towns of Northampton, Hadley, and Hatfield for the years 1655 to 1843. MS records of Hatfield births, marriages, and deaths, 1662-1843, are in the vaults of the New England Historic Genealogical Society.

[93] The Westhampton birth, marriage, and death records prior to 1808 have been destroyed; those prior to 1844 are incomplete.

Lincoln, Littleton (from 1 June 1856 to 1 June 1860 in the Middlesex Northern District), MALDEN, MARLBOROUGH, Maynard, MEDFORD, MELROSE, Natick, NEWTON, North Reading, Pepperell, Reading, Sherborn, Shirley, SOMERVILLE, Stoneham, Stow, Sudbury, Townsend, Wakefield, WALTHAM, Watertown, Wayland, Weston, Winchester, and WOBURN.

In this Registry is a series of sixteen volumes called "Deeds of Hopkinton and Upton", also, one, volume called "Littleton Records", which is a copy of records in the Middlesex Northern District, of lands in Littleton. The first volume of births, marriages, and deaths in Middlesex County, from 1632 to 1678, is bound in at the end of the first volume relating to deeds. A copy of these vital records is in the office of the Clerk of the Courts.

The record of the terms of the Superior Court of Judicature held in Middlesex County, commencing in 1693 and the Minute Books commencing in 1719, are in the office of the Clerk of the Supreme Judicial Court, Suffolk Co., Boston.

The following are the principal court records in the County Court House: The County Court records[94] commencing 30 Oct. 1649; Inferior Court of Pleas, 4 Oct. 1692; Court of Sessions, 20 Sept. 1808; Court of General Sessions of the Peace, 19 July 1692; Circuit Court of Common Pleas, 16 Dec. 1811; Court of Common Pleas, 7 June 1783; Superior Court, 5 Sept. 1859. There are several volumes of birth, marriage, and death records, 1651 to 1745, from one hundred and three towns.[95] There are also two volumes of Marriage records, 1733 to 1793, for sixty-one towns.[96] The Notaries Public records commence in 1874; miscellaneous records, in 1791.

See *Wyman's MS* of Middlesex Court Files, 2 mss vols., at New England Historic Genealogical Society.

Cities and towns in Middlesex county and date of establishment or incorporation:

***Acton** (1735)
***Arlington** (1867)
Ashby[97] (1767)
Ashland (1846)
Ayer (1871)
***Bedford** (1729)
Belmont (1859)
***Billerica** (1655)
***Boxborough** (1783)
***Burlington** (1799)
***CAMBRIDGE** (1636)
***Carlisle** (1780)
***Chelmsford** (1655)
***Concord** (1635)
***Dracut** (1702)
***Dunstable** (1673)
EVERETT (1870)
***Framingham** (1675)
***Groton** (1655)
***Holliston** (1724)
***Hopkinton**[98] (1715)

[94] Volume II of County Court records is lost.

[95] For names of these towns see First *Report* of Mass. Commissioner of Public Records (1885), p. 350.

[96] For names of these sixty-one towns, see *ibid.*, p. 351.

[97] MS records of Ashby births, marriages, and deaths, 1754-1874, and Epitaphs, are in the New England Historic Genealogical Society library.

[98] The Hopkinton proprietors' records are in the Registry of Deeds at East Cambridge.

*Hudson (1866)
*Lexington (1713)
*Lincoln (1754)
*Littleton (1715)
*LOWELL (1826)
*MALDEN [99] (1649)
*MARLBOROUGH (1660)
Maynard (1871)
*MEDFORD [100] (1630)
MELROSE (1850)
*Natick (1650)
*NEWTON (1691)
North Reading (1853)
Pepperell (1753)
*Reading (1644)
*Sherborn (1674)
*Shirley (1753)
SOMERVILLE (1842)
*Stoneham (1725)
*Stow [101] (1683)
*Sudbury (1639)
*Tewksbury [102] (1734)
Townsend [103] (1732)
*Tyngsborough (1789)
*Wakefield (1868)
*WALTHAM (1738)
*Watertown (1630)
*Wayland (1835)
*Westford (1729)
*Weston (1713)
*Wilmington [104] (1730)
Winchester (1850)
*WOBURN (1642)

* The *vital records* are in print.

NANTUCKET COUNTY

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Incorporated 22 June 1695. Nantucket is both a town and a county; same seal for both.[105] The Registries of Deeds and Probate and the office of the Clerk of the Courts are at Nantucket, the shire-town. The terms of the Superior Court of Judicature for Nantucket were held in Bristol county; these records are in the office of the Clerk of the Supreme Judicial Court, Suffolk Co., Boston. The island of Nantucket was originally a part of Dukes County, Province of New York (see Dukes County, note 51).

The following are the principal records in the County Court House: There are no County Court, Court of Sessions, or Circuit Court of Common Pleas records. The Inferior Court of Common Pleas records commence 3 Oct. 1721; Court of General Sessions of the Peace, 3 Oct. 1721; Court of Common Pleas, 28 Mar. 1786; Superior Court, 3 Oct. 1859. There are two volumes of Nantucket marriage records, 1766 to 1790. The Notaries Public records commence in 1840. There are no Miscellaneous records in the Clerk's office.

Town in the Nantucket county and date of incorporation:

*Nantucket [106] (1795)

• The *vital records* are in print.

[99] The first volume of Malden town records, 1649 to 1678, is lost.
[100] The Medford town records from 1630 to 1670 are missing.
[101] The Stow birth, marriage, and death records previous to 1713 were destroyed.
[102] The Tewksbury death records from 1829 to 1844 were destroyed by fire.
[103] Two volumes of Townsend birth and marriage records from 1780 to 1810 are lost.
[104] The Wilmington town records from 1762 to 1786 are lost.
[105] ". . . in Nantucket county the selectmen of Nantucket . . . shall, except as otherwise provided, have the powers and perform the duties of County Commissioners" [Chapter 34, Section 4 of the General Laws of Massachusetts]. "Nantucket is both a town and a county; same seal for both"—letter of 29 Oct. 1956 from James K. Glidden, Secretary of the Nantucket Board of Selectmen.
[106] One volume of Nantucket town records, 1754 to 1784, is missing.

NORFOLK COUNTY

The present and second county of that name was established 26 Mar. 1793. The Registries of Deeds and Probate and the office of the Clerk of the courts are at Dedham, the shire-town.

The original Norfolk county, incorporated 10 May 1643,[107] comprised Salisbury, Hampton, Haverhill, Exeter, Dover, and Strawberry Bank (afterwards Portsmouth). The records of the old Norfolk county are in the Essex Southern District Registry at Salem (see Essex County, *ante*). The second Norfolk county included "all the territory of the county of Suffolk not comprehended within the towns of Boston and Chelsea." On the day the act took effect, an act was passed continuing Hingham and Hull in Suffolk Co. On 18 June 1803 the towns of Hingham and Hull were annexed to Plymouth County.

The following are the principal records in the County Court House: The County Court records for this jurisdiction are in the Suffolk county records. The Inferior Court of Common Pleas records commence 24 Sept. 1793; Court of Sessions, 25 Apr. 1808; Court of General Sessions of the Peace, 20 June 1793; Circuit Court of Common Pleas, 22 Apr. 1812; Court of Common Pleas, 23 Apr. 1821; Superior Court, 25 Apr. 1859. There is one volume of Marriages, 1793 to 1795, containing the records in twenty-one towns.[108] The Notaries Public records commence in 1849. There are no Miscellaneous records in the Clerk's Office.

City and towns in Norfolk county and date of establishment or incorporation:

Avon (1888)	*Cohasset (1770)	Holbrook (1872)
*Bellingham (1719)	*Dedham (1636)	*Medfield[111] (1650)
*Braintree[109] (1640)	*Dover (1784)	*Medway[112] (1713)
*Brookline[110] (1705)	*Foxborough (1778)	Millis (1885)
*Canton (1797)	*Franklin (1778)	*Milton (1662)

* The *vital records* are in print.

[107] The towns remaining in Norfolk county 4 Feb. 1680 were re-annexed to Essex county [*Mass. Bay Records,* vol. V, p. 264].

[108] For the names of these twenty-one towns, see First *Report* of Mass. Commissioner of Public Records (1885), p. 354.

[109] A Braintree bible record is in the New England Historic Genealogical Society library.

[110] The Brookline town records from 1686 to 1697 are missing from the first volume.

[111] One volume of Medfield town records, from 1860 to 1874, was lost by fire.

[112] Some of the Medway birth, marriage, and death records destroyed in the fire of 1870, have since been copied from records at the State House.

Needham (1711)
Norfolk (1870)
Norwood (1872)
Plainville (1905)
QUINCY (1792)
Randolph (1793)
*Sharon (1783)
*Stoughton[113] (1726)
*Walpole[114] (1724)
Wellesley (1881)
Westwood (1897)
*Weymouth[115] (1635)
*Wrentham (1673)

* The *vital records* are in print.

PLYMOUTH COUNTY

Established by order of the Plymouth Colony General Court 2 June 1685. The Registries of Deeds and Probate, and office of the Clerk of the Courts are at Plymouth, the shire-town. All of the early original Plymouth Colony records previous to 2 June 1685 are in the Registry of Deeds. As Plymouth was the first town in the colony, there are also many early records in the office of the Plymouth Town Clerk, beginning in 1637.

The first entry appearing in "Plimouths great Book of Deeds of Lands Enrolled" is dated 1620. Copies of the first two volumes of Plymouth "Town Proceedings" are at the court house; also a copy of the first of ten volumes of births, marriages, and deaths.

The record of the terms of the Superior Court of Judicature held in Bristol County, commencing in 1693 and the Minute Books from 1719, are in the office of the Clerk of the Supreme Judicial Court, Suffolk Co., Boston.

The following are the principal records in the County Court House: The County Court records commencing 25 Sept. 1686; Inferior Court of Common Pleas, 20 June 1702; Court of Sessions, 15 Mar. 1808; Court of General Sessions of the Peace, 15 Sept. 1730; Circuit Court of Common Pleas, 23 Nov. 1812; Court of Common Pleas, 7 Oct. 1783; Superior Court, 1850. Volume II of the Inferior Court of Common Pleas, and volumes I, II, III and IV of the Court of the General Sessions of the Peace contain birth, marriage, and death records in fourteen towns covering the period from 1724 to 1788.[116] The Notaries Public records commence in 1770. There are no Miscellaneous records in the Clerk's Office.

[113] Printed in 1896, a MS copy of the Stoughton vital records is in the New England Historic Genealogical Society library.

[114] The Walpole records, from 1776, to 1780, are missing from the first volume.

[115] The Weymouth records of births from 1644 to 1654; marriages from 1663 to 1700; deaths from 1642 to 1655; the year 1657; and from 1661 to 1699 are missing.

[116] For names of these fourteen towns, see First *Report* of Mass. Commissioner of Public Records (1885), p. 355.

City and towns in Plymouth county and date of establishment or incorporation:

*Abington (1712)	*Hingham[118] (1635)	*Pembroke (1712)
*Bridgewater (1656)	*Hull[119] (1644)	*Plymouth[122] (1620)
*BROCKTON (1874)	*Kingston (1726)	*Plympton (1707)
*Carver (1790)	Lakeville[120] (1853)	*Rochester (1686)
*Duxbury[117] (1637)	Marion (1852)	Rockland (1874)
*East Bridgewater (1823)	Marshfield (1640)	*Scituate[123] (1633)
*Halifax (1734)	Mattapoisett (1857)	Wareham (1739)
*Hanover (1727)	Middleborough[121] (1669)	*West Bridgewater (1822)
*Hanson (1820)	Norwell (1888)	Whitman (1886)

* The *vital records* are in print.

SUFFOLK COUNTY

Incorporated 10 May 1643. There is no official seal for Suffolk County.[124] The Registries of Deeds and Probate and the office of the Clerk of the Courts are at Boston, the shire-town. Vol. CXII, January to July 1768; and vol. CXIV, January, February, and March 1769, were lost, probably in moving the records to Dedham as authorized by the General Court 8 Feb. 1776. Many of the early volumes of records have been copied and printed by the *Boston Record Commissioners.*

Under Governor Andros's administration of the Dominion of New England, 1686-1689, all wills for the colonies of Massachusetts Bay, New Plymouth, New Hampshire, Maine, Rhode Island,

[117] Duxbury—For vital record files, see the *Mayflower Descendant.*

[118] The town of Hingham was taken out of Norfolk co., 18 June 1803, and annexed to Plymouth Co. There are MSS of some of the early Hingham records at the New England Historic Genealogical Society for use of members only.

[119] The town of Hull was taken out of Norfolk Co., 18 June 1803, and annexed to Plymouth Co.

[120] Lakeville—for gravestone records, see *Register,* vol. VIII, p. 287.

[121] The Middleborough proprietors' records prior to 1675 are lost.

[122] Plymouth—Vital records are found in the various numbers of the *Mayflower Quarterly.* Frederic Freeman's *History of Cape Cod* (2 vols., 1860-1862), is still the best history of the Cape towns.

[123] The first volume of Scituate births, marriages, and deaths is lost. Many emigrations have been made from this town. In 1640, to Barnstable, when nearly half of the population departed. In 1650, to York and vicinity. In 1658, to Barbados. In 1670, to Rehoboth and Swansey. In 1690, to Norwich, Conn. In 1710, to Newport and Scituate, Rhode Island. In 1760, to Chesterfield, Vermont, and soon after, to Turner, Harpswell, and Topsham, Maine [Samuel Deane, *Hist. of Scituate* (Boston, 1831), p. iii].

[124] ". . . in Suffolk county, the mayor and city council of Boston, the municipal council of Chelsea and the City Council of Revere, in their respective cities, and the selectmen of Winthrop in said town, shall, except as otherwise provided, have the powers and perform the duties of County Commissioners (Chapter 34, Section 4 of the *General Laws of Massachusetts*). The City of Boston pays all the strictly County expenses of the County of Suffolk"—Walter J. Malloy, Clerk of Boston City Council, letter of 18 Oct. 1956.

Connecticut, Province of New York, and East and West New Jersey, were probated in Boston, consequently are not found in the various Colony County Registries where they properly belong. These records are now in Suffolk Registry of Probate, Boston.[125]

Block Island was first claimed by Massachusetts as in the town of "Boston, Suffolk Co.," until set off to Rhode Island in its charter of 1663. Previous to this date, the land records of this Island are in the Suffolk County Registry of deeds. A transcript of the first volume of Block Island town records is in the library of the Rhode Island Historical Society.

This Island passed into the possession of Massachusetts in 1636 "by right of conquest" due to Colonel Endicott's punitive expedition after the Indians murdered Captain Oldham. This transfer was acknowledged in January, 1638, when the Block Island Indians sent three men, with ten fathoms of wampum for part of their tribute to the Massachusetts Bay Colony.

The following are the principal court records in the County Court House: The County Court Records commencing 27 Apr. 1680; Inferior Court of Common Pleas, 27 July 1686; Court of Sessions, 22 Nov. 1808; Court of General Sessions of the Peace, 21 Apr. 1796; Circuit Court of Common Pleas, 30 Nov. 1810; Superior Court of the County of Suffolk, 6 Nov. 1855; Superior Court, 5 July 1859. In the cellar of the Court House are eleven chests of Notaries Public records. There are several hundred volumes of Miscellaneous records commencing in 1782.

The record of the terms of the Superior Court of Judicature held in the various counties, commencing in 1693 and the Minute Books commencing in 1719, are in the office of the Clerk of the Supreme Judicial Court, Suffolk Co., Boston.

From 1867 to 1911, several cities and towns were annexed to Boston in the following order: Roxbury, Dorchester, Charlestown, Brighton, West Roxbury, Hyde Park, and parts of Brookline. The records of all these extinct cities and towns are in the Boston City Hall. Nathaniel I. Bowditch's valuable map of the early estates of Boston is on file in the Suffolk County Registry of Deeds.

Cities and town in Suffolk county and date of establishment or incorporation:

°**BOSTON** (1630)	°**CHELSEA** (1739)	**Winthrop** (1852)
	REVERE (1871)	

° The *vital records* are in print.

[125] For an index of these wills, compiled by Mary L. and Winifred L. Holman, F.A.S.G., see *The American Genealogist*, vol. XII, pp. 175, 222; vol. XIII, p. 98; and vol. XIV, p. 34.

WORCESTER COUNTY

Incorporated 2 Apr. 1731. Registry of Probate and office of Clerk of the Courts at WORCESTER, one of the two shire-towns. The county is divided into two districts for the registry of deeds. Prior to 1 Aug. 1884, the Registry for the whole of Worcester County was at WORCESTER.

WORCESTER DISTRICT

Registry at WORCESTER, a shire town. The cities and towns constituting the district are Athol, Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, East Brookfield, GARDNER, Grafton, Hardwick, Harvard, Holden, Hopedale, Hubbardston, Lancaster, Leicester, Mendon, Milford, Millbury, Millville, New Braintree, North Brookfield, Northborough, Northbridge, Oakham, Oxford, Paxton, Petersham, Phillipston, Princeton, Royalston, Rutland, Shrewsbury, Southborough, Southbridge, Spencer, Sterling, Sturbridge, Sutton, Templeton, Upton, Uxbridge, Warren, Webster, West Boylston, West Brookfield, Westborough, Winchendon, and WORCESTER.

With the completion of the Quabbin Dam, in 1936, the town of Dana, Worcester Co., was submerged and became non-existent. Most of the town of Greenwich, Hampshire Co., was also submerged and parts of the town not under water were annexed to the towns of New Salem, Franklin Co., and Petersham, Worcester Co., under provision of the Acts of 1938, Chapter 240, Sections 3a and 3b.

NORTHERN DISTRICT

Established 1 Aug. 1884. Registry at FITCHBURG, the other shire-town. The cities and towns constituting the district are Ashburnham, FITCHBURG, LEOMINSTER, Lunenburg, and Westminster.

The record of the terms of the Superior Court of Judicature held in Worcester County, commencing in 1731 and the Minute Books commencing in 1735, are in the office of the Clerk of the Supreme Judicial Court, Suffolk Co., Boston.

The following are the principal records in the County Court House: The Inferior Court of Common Pleas records commencing 14 Aug. 1731; Court of Sessions, 23 Feb. 1808; Court of General

Sessions of the Peace, 12 Aug. 1731; Circuit Court of Common Pleas, 17 June 1816; Court of Common Pleas, 8 June 1784; Superior Court, 2 July 1859. There are two volumes of Marriage records, 1746 to 1794, in forty-nine towns.[126] The Notaries Public records commence in 1831. The Miscellaneous records commence in 1750.

Cities and towns in Worcester county and date of establishment or incorporation:

*Ashburnham (1765)
*Athol[127] (1762)
*Auburn (1837)
*Barre[128] (1776)
*Berlin[129] (1784)
Blackstone (1845)
*Bolton (1738)
*Boylston (1786)
*Brookfield (1673)
*Charlton (1754)
Clinton (1850)
*Douglas (1746)
*Dudley (1732)
East Brookfield (1920)
*FITCHBURG (1764)
*GARDNER (1785)
*Grafton (1735)
*Hardwick (1739)
*Harvard (1732)
*Holden (1741)
Hopedale (1886)
*Hubbardson (1767)
*Lancaster (1653)
*Leicester (1714)
*LEOMINSTER (1740)
*Lunenberg (1728)
*Mendon (1667)
*Milford (1780)
*Millbury (1813)
Millville (1916)
*New Braintree (1751)
North Brookfield[130] (1812)
*Northborough (1766)
*Northbridge (1772)
*Oakham (1762)
*Oxford (1693)
*Paxton (1765)
*Petersham[131] (1754)
*Phillipstown (1814)
*Princeton[132] (1759)
*Royalston (1765)
*Rutland (1714)
*Shrewsbury (1720)
*Southborough (1727)
Southbridge (1816)
*Spencer (1753)
Sterling (1781)
*Sturbridge (1738)
*Sutton (1714)
*Templeton (1762)
*Upton (1735)
*Uxbridge (1727)
*Warren (1834)
Webster (1832)
*Westborough (1717)
*West Boylston (1808)
West Brookfield (1848)
*Westminster (1759)
*Winchendon (1764)
*WORCESTER (1684)

* The *vital records* are in print.

[126] For list of the forty-nine towns see First *Report* of Mass. Commissioner of Public Records (1885), p. 362.

[127] The Athol proprietors' records from 1734 to 1749 were carried away by the clerk.

[128] Part of the Barre town records prior to 1787, are supposed to have been burned.

[129] No Berlin marriage records were kept from 1821 to 1824.

[130] The North Brookfield records prior to 14 Oct. 1862 were lost by fire.

[131] The Petersham selectmen's records prior to 1841 were burned.

[132] In 1885 the Princeton town records, 1759 to 1761, had been missing for more than fifty years.

V

THE ORIGINAL use of county seals and their historical function is not generally understood.[133] The use of the seals of the colonial and provincial courts of justice was made imperative by law, and as they were essential to the proper authentication of writs and other processes, they are of much importance judicially and historically.

Undoubtedly, all of the Commonwealth's county common-law courts, in which was included the Court of Sessions of the Peace, had seals. When this county court was discontinued and its administrative functions taken over by the various Boards of County Commissioners, they also succeeded to the county seals and their particular use in each county should have been continued.

Of the fourteen Commonwealth counties, there are now known to be extant the original seals for seven. These are Bristol, Essex, Hampshire, Middlesex, Nantucket (partial), Plymouth, Suffolk, and Worcester. Further intensive research would undoubtedly uncover the seals used in the other counties. Of these ancient original seals, we know definitely of only two in use today. These are by the Boards of County Commissioners of Essex, and Worcester. Suffolk county uses no seal, although the original is extant. The seal of the common-law courts of Essex County is a monogram for "Essex" (see Essex County). Over the monogram is a duck wings close a spray in bill and beneath it is a fleur-de-lis, each charge between two groups of six dots around a center dot, which may have been intended for roses, although the heraldic rose usually had five spiked petals with a seeded center. The original seal, or die, still extant, was first designed for the Inferior Court of Common Pleas. Upon the establishment of the Inferior Court of Common Pleas and the Court of Sessions, in 1692, it was adopted by them and continued in use as the county seal of these courts until they were superseded. It is now, very properly, used as the seal of the Essex Board of County Commissioners which succeeds to the administrative functions of the old Court of Sessions of the Peace.

[133] On 8 Mar. 1883, Mr. Abner C. Goodell, Jr., A.M., of Salem, read a paper entitled "Provincial Seals in Massachusetts" before the Massachusetts Historical Society. In October of that year it was published in the New England Historical and Genealogical *Register*, vol. XXXVII, pp. 349-358, illustrated with 24 of the seals used by the old courts. With the exception of Bristol, the writer has made no original research on these seals, but has drawn almost exclusively from this scholarly paper. The ancient seals here reproduced are from Mr. Goodell's drawings.

The seal of the common-law courts of Worcester is an heraldic stag regardant (see Worcester County). It continued to be used by the Inferior Court of Common Pleas and Court Sessions of the Peace from 1731, when the county was established, until the courts were superseded. When the Board of County Commissioners took over the administrative functions of the old Court of Sessions of the Peace, it properly continued the use of the Court's old Suffolk county seal. An enlarged reproduction of this court seal hangs in the law library in Worcester.

Of the original stamps or mounted dies used by the clerks to impress these seals, only four are known to be in existence (1883) namely, those of the Superior Court of Judicature; the common-law county courts of Plymouth and Essex; and of the Probate Court of Plymouth County.

While not properly belonging in this list of county seals, the seal of the Supreme Court of Probate is so important historically that it is here reproduced. It is remarkable as being the first court seal in Massachusetts to use the figure of the blind-folded justice holding the scales which are now universally used on Massachusetts court seals.

On 18 June 1692, judges and registers of probate were appointed for the four principal counties without any legislative enabling act, but by a delegation of civil law judicial functions, the rules of which were followed in the ecclesiastical courts.

The original Bristol County seal, here shown, is the ancient official seal of the common-law courts of Bristol County. It was used by the Inferior Court of Common Pleas and Court of General Sessions of the Peace, until they were superseded by the Circuit Court of Common Pleas. It bears date of 1687, which is probably the date of its adoption, although the first known use was on 28 Nov. 1689, while Stephen Burton was clerk.

This original Bristol County Plymouth Colony seal depicts the arms on the corporate seal of the City and County of Bristol, England, as will be seen by comparing the two. On the New England seal, the charges were reversed. Bristol was later to become an important seaport.

Bristol, England, a city and county of itself, and a considerable port, situated near the mouth of the Bristol channel, and between the counties of Gloucester and Somerset, is 118 miles west from London. In 1353, King Edward III erected the port into a separate county under the designation of the "City and County of the City of Bristol." The Corporation holds a court of session quarterly, a court of assize in April, and a court of Nisi Prius, in which one of the judges on the western circuit presides.[134] The corporate seal, the reverse of which is here shown, embodies the arms of Bristol. *Arms:* gules, dexter a man-of-war ship under full sail with three flags flying, passing a sinister harbor castle fortification with two flags flying; in base, per pale, waves and shore vert. *Crest:* two crossed bent arms; a pair of scales in hand of dexter arm; a snake in hand of sinister arm, coiled around the dexter arm. *Supporters:* two unicorns gold.

The original Hampshire County seal, here illustrated, blazoned a garb banded, and as shown by its inscription SIGILLUM COMITATUS HAMPTONIAE DE PROBATIONE TESTAMENTORUM, is strictly the seal of the Probate Court for Hampshire County,—which originally included Berkshire, Hampden, and Franklin,—but it appears to have been, also, the only seal used by the Inferior Court of Common Pleas and by the Court of Sessions of the Peace of that large territory. The seal undoubtedly dates back to 1692, when the Probate Court in Hampshire County was first established.

The original Middlesex County seal, here shown, is found in the files of the Inferior Court of Common Pleas and of the Court of Sessions for Middlesex County, so early as 1692-1693, but the loss of the more ancient files of the County Court leaves us in doubt as to its earliest use. The blazon is, on a tree inclining to the dexter out of a mount in the base, a dove holding in the beak an olive branch. In the seal here depicted, the seal-cutter omitted a "d" in Middlesex, and for "Registry" cut the anomalous word "Regisley."

[134] Lewis, *Topographical Dictionary of England* (London, 1831), vol. I, p. 263.

The seal fragment, here shown, is supposed to have been part of the original Probate Court seal of Nantucket County. In 1715, while this seal was in use, and while James Coffin was judge and Eleazer Folger was acting as registrar, a seal was used which shows arms a chief indented and a chevron. Just before the Revolution, and later, another seal, not infrequently used, was a wyvern, or more probably a cockatrice. This last mentioned seal was used while Grafton Gardner was judge and Frederick Folger was registrar. In 1771, under the same judge and registrar, a seal with the charges of St. George and the Dragon was used.

The files saved from the fire of July 1846 show no seal especially adopted for the common-law courts of Nantucket. As this island was first under the jurisdiction of the Duke of York, and later the Province of New York, research in that state seems to be necessary. Since 1800, the sealing of writs of the Inferior Courts of Common Pleas has been made by the reverse of a cent, or by any other coin or instrument that could be conveniently employed for that purpose.

The original seal of the common-law courts of Plymouth, here shown, features what is probably meant to be a ferocious, naked demon armed with a poised bow and arrow, especially typical of the troublesome times in which the ancient seal was used. In 1883 this original seal was in the possession of the Clerk of the Courts. It had undergone very slight changes since 1692, which is fortunate, since the ancient files of the clerk's office were almost totally destroyed by the court house fire on 7 Nov. 1881. Today, Mr. Olsson, the present clerk of the Courts, has no knowledge of the existence of this seal, but does have in his files one old document showing a wax impression of this ancient seal.

For a number of years, the County Commissioners and the Town of Plymouth both used the seal of the "Society of Plymouth in New England", but it had little meaning so far as the county was concerned.

Previous to 1931, the County Commissioners announced that so far as they could determine, "no official seal of the County has ever been adopted and it is probable that the only seal used to

attest its official acts for more than 150 years was a lump of sealing wax impressed with the magistrate's thumb". Thus, having erroneously settled this antiquarian question by lack of adequate research, Frederick T. Bailey of North Scituate, for many years chairman of the Board of County Commissioners, proceeded to design the present seal (see Plymouth County). On 31 Mar. 1931, acting under authority of Chap. 34, Sec. 14 of the General Laws, the County Commissioners adopted the present seal "to be affixed to all processes requiring it". This new seal shows the Mayflower swinging at anchor, her hull reflected in the water. Around the Mayflower a chaplet of twenty-seven pearls, the smallest representing the towns of Plympton and Halifax and the largest the city of Brockton, the combination forming a very artistic modern seal, but unfortunately not the authentic ancient seal of Plymouth county.

The interesting ancient Suffolk County seal, here shown, is remarkable as being the first seal ever adopted by a judicial court in Massachusetts. The blazon is on a shield a ship in full sail with five flags flying; waves in base. At a County Court, held at Boston 25 Jan. 1680, it was "ordered that the Clerke provide a Seale for the Courts use to annex to probate of wills and grants of Adm^{con}, the circumference thereof to be the same [size] of a shilling and a Ship engraven thereon with the inscription SIGILLUM COMITATUS SUFFOLCIAE". In 1692 it was adopted as the seal of the Inferior Court of Common Pleas, and of the Court of General Sessions of the Peace for that county. It resembles the Admiralty seal of Boston, Lincolnshire, England. So here is the original seal, adopted 276 years ago and used by the Court of General Sessions of the Peace, the administrative functions of which the Suffolk Board of County Commissioners took over. As Suffolk is the only county in the Commonwealth without a seal, it is perhaps not too much to hope that the commissioners will officially adopt this ancient Suffolk seal which authentically belongs to the county.

The present day county seals, adopted and now in use by the various Boards of County Commissioners throughout the Commonwealth are shown in the preceding pages. Many of these seals are meaningless modern heraldic monstrosities, symbolic of neither age, history, nor anything else warranting their use. This new de-

signing was all so unnecessary, for, as has been shown, there were known authentic ancient seals in many of the counties, in some instances dating back two and three quarter centuries, and more.

VI

THE STUDY of Massachusetts great seals has proved to be unusually interesting and rewarding, resulting in the correction of some mis-statements of historical facts, and the development of considerable heretofore unpublished material.

On critical examination of the three later Massachusetts seals under George I, II, and III, in use from 1714 to the Revolution, a period of sixty years, the word "Bay" stands out in the motto "Seal of the Province of Massachusetts Bay in New England in America". This is especially true when it is remembered that "Massachusetts Bay" was the title of the colony for fifty-five years, until the first Charles I charter was abrogated in 1684; and that the official title of the colony under the second 1691 charter of William III, was the "Province of Massachusetts" (see *ante*-III, charter of William III).

The final Royal phraseology on the Massachusetts seal motto seems to have been the result of a gradual evolution from the Charles I seal in 1628/9, commencing with the words "Massachusetts Bay in New England". On the next James II seal of 1686-9 was added the words "in America". For the next twenty-five years, through the reigns of William III and Queen Anne, we have no known originals of the Massachusetts great seals. We do know, however, that in his Royal letter to Boston, dated 14 April 1701 (discussed later), William III refers to "Our Province of the Massachusetts-Bay in America".

Halfway up the stairs at the State House is a large triple window containing exquisite reproductions in stained glass of all of the various official great seals of Massachusetts, with the glaring exception of those of William III and Queen Anne. In the center is the first great seal of the Massachusetts Bay Colony, under the charter granted by Charles I in 1628/9.

The next seal is that of the "Dominion of New England" (1686-1689), under King James II while Sir Edmund Andros was Royal Governor, which was used until the downfall of the King in 1689. Both sides are shown in the window. On the obverse, there is an effigy of the King in full regalia with an Englishman and an Indian

kneeling in front of him, while on the reverse is the royal arms with garter, crown, supporters and motto, and the added inscription "Sigillum Novae Angliae in America."

Below this are the seals of George I (crowned 20 October 1714) and George II (crowned 11 October 1727). Upon the accession of George III (crowned 27 September 1761), his name was substituted for the latter. These three seals contain the royal arms, with the addition of a motto pertaining to the Province. The seal of William III and Mary II (crowned 11 April 1689), who granted the second Province charter, is not represented on the window. Neither are the arms of their successor, Queen Anne (crowned 23 April 1702).

In describing these stained glass seals, the State Library's booklet, *The Massachusetts State House* (Boston, 1953), page 25, states that below this James II seal "are the seals of the Province, from 1692 [1691] to the Revolution, granted under the second charter,—the first during the reign of George I, the second about 1728, under George II. Upon the succession of George III, his name was substituted for the latter." While this is a correct statement of the order of the seals on the window, the seal of George I was not the first under the second Massachusetts charter, but the *third.*

The center of the window contains a replica of the Great Seal of Massachusetts. Below it are the 1775 and the 1780 seals. There are also the personal coats-of-arms seals of several of the Royal Governors.[135]

A description of the great seals shown on the frontispiece facing the title page of this book follows:

Fig. 1 is the great seal of New-Plymouth, dated 1620, sent over by the London Adventurers in 1624, here reproduced from Nathaniel Morton's *New England Memorial* (Cambridge, Mass., 1669). The arms are a shield quartered by a cross quarterly, a figure kneeling facing the dexter holding in his hands what is said to be a flaming heart shaped lamp between two pine trees. Over the shield is the date 1620. In the circle around the arms is a garland under which are the words, SIGILLVM: SOCIETATIS:PLIMOVTH NOV-ANGLIA (seal of the Society of Plymouth in New England). This original great seal was used by Plymouth Colony until its confiscation during Sir Edmund Andros's administration.[136]

[135] Besides the Province seals, the personal seals of the Royal Governors were important. Under the second 1691 charter, the governor was commander-in-chief of the provincial forces. All commissions to officers in the military service were issued under a Privy Seal, bearing the personal coat-of-arms seal of the governor.

Fig. 2 is the great seal of the Massachusetts Bay Colony under its charter authorized by Charles I in 1628/9. In April 1629, the Governor in England wrote the colonists that he had sent over "the companyes seale in silver", by Mr. Samuell Sharpe, a passenger. It is an elliptical oval and bears the device of an Indian affrontée belted with leaves, an arrow point to base in his dexter hand, a bow in his sinister hand, between two pine trees. Over the Indian's head is a pennoncel in which the Indian is portrayed as speaking the prayer of a man of Macedonia to St. Paul,—"Come over and help us." [*Acts of the Apostles*, 16:9]. Within the outer oval ring of the seal is a wreath under which are the words SIGILLVM:GVB:ET:SOCIET: DE:MATTACHVSETTS:BAY:IN:NOVA:ANGLIA. This was the only seal used until the abrogation of the first charter of Massachusetts Bay, in 1684.

During the reign of Sir Edmund Andros as Royal Governor of New England (1686-1689), the Royal Arms of England under James II were used (for arms see *Ante*-Andros Administration). During this period Massachusetts was without her own great seal.

Fig. 3—The arms of William III and Mary II, styled "King and Queen of England, Scotland, France, and Ireland, Defenders of the Faith", viz:—quarterly, 1st and 4th, France and England, quarterly; 2nd, *or* a lion ramp. within a double treasure flory counter flory *gu.* for Scotland; 3rd *az.* a harp *or*, stringed *or*, for Ireland. With the same styling, these were the arms of James I. As William was an elected King, he placed a shield of pretence with the arms of NASSAU (*az. billetée a lion rampant or*) over the escutcheon.

His Majesty was the only son of William II, Prince of Orange, and of the Princess Mary, his wife, eldest daughter of King Charles I. He married Mary, eldest daughter of James II. They were crowned joint King and Queen on 11 April 1689. Their Majesties having no issue, at the decease of King William, the crown devolved upon the deceased Queen's sister Anne.

Among the original papers in the State Archives are many

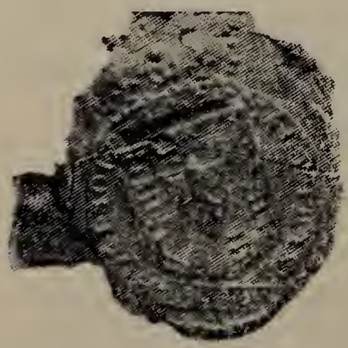
[136] At a General Court of Elections held at Plymouth, 4 June 1689, the "court requested the honorable Governor, Thomas Hinckley, Esq., in behalf of the court and colony to make their address to their ma^{ties} King and Queen of England, etc., and also to endeavor the regaining of our publique seal if it may be, and if otherwise, to procure a new one, and this colony to defray the charge of it" [*Plymouth Colony Records*, vol. VI, p. 209].

documents with the Massachusetts seal under William III. This is of red wax, 1¾ inches in diameter, but unfortunately, all are covered with paper wafers which completely obliterate the seals. Figure 3, in the frontispiece, is a reproduction of the 1¾ inch seal of William III, embossed on a plain paper wafer, without sealing wax, on "His Majesty's Royal Letter to Boston" dated 4 April 1701 and received 8 October 1701[137] [*State Archives,* Book 51, p. 117A].

The arms here shown are a facsimile of the arms of William III on "*An Act for Preventing Frauds and Regulating Abuses in Plantation Trade.* Reprinted at Boston, in New England, by Bartholomew Green & John Allen, Printers to the Governor & Council, 1696" [*Mass. Historical Society Library*]. This is a crude reproduction of the arms appearing on the original Act (*John Carter Brown Library*), printed in London in 1695, and are the earliest arms of William III recorded in the State Archives at Boston. It may well be that this is the first wood-engraving of Royal arms made in New England.

Fig. 4—The arms of Queen Anne. She had the same styling and bore the same arms as William III, without the escutcheon of pretence for Nassau, viz:—1st and 4th, France and England, quarterly; 2nd, Scotland; 3rd, Ireland; but after the union with Scotland, 7 Mar. 1707, Her Majesty bore, 1st and 4th, England, impaling Scotland; 2nd, France; 3rd, Ireland.

Queen Anne was the sister of Queen Mary II and daughter of James II. She ascended the throne at the decease of her brother-in-law King William III. As Queen Anne left no surviving child, at her death, the crown passed, by Act of Settlement, to the great-grandson of James I, who ascended the throne under the title of George the First.



The arms here shown are reproduced from the green wax seal, one half inch in diameter, attached to the original 35 page document at the Massachusetts Historical Society entitled, "Queen Anne's Instruction to Governor Joseph Dudley, dated at a Court at St. James, 6 April 1702, in first year of reign" [*Winthrop Papers,* vol. 7B,

[137] The writer is indebted to Mr. Leo Flaherty, chief of the *Archives Division* for calling his attention to this William III seal, and for other valuable assistance.

fol. 51]. This seal is unique, for it proves that the Queen was using the arms of her predecessor, William III, in the first year of her reign.

Here again, as in the case of William III, the many wax seals on the original Massachusetts papers during her reign are all covered with paper wafers and we have no proof that the seal had a motto pertaining to the Province, as did the seals under the reigns of the following three Georges.

Fig. 5 are the arms of George I (crowned 20 Oct. 1714), styled "King of Great Britain, France, and Ireland, Duke of Brunswick-Lunenburgh, etc., Defender of the Faith", viz:—quarterly, 1st, England, impaling Scotland; 2nd, France; 3rd, Ireland; 4th, *gu.* two lions pass. guard. in pale *or,* for Brunswick; impaling *or,* semée of hearts *gu.* a lion ramp. *az.* for Lunenburgh; on a point in point *gu.* a horse courant *or,* for Saxony; on the centre of the fourth quarter an escutcheon *gu.* charged with the crown of Charlemagne *or,* as the Arch-Treasurer of the Holy Roman Empire.

Fig. 6—The arms of George II (crowned 11 October 1727). He was styled the same as his father George I, and bore the same arms. George III (crowned 27 September 1761), was styled the same and bore the same arms as George I until the union with Ireland, when the ensigns of France were abandoned by his Majesty's order in Council, 5 November 1800.

Fig. 7 is the first great seal adopted by the Commonwealth. When the war against England began in 1775, Gen. Thomas Gage, the royal governor, had the custody of the Commonwealth seal. As his authority was no longer recognized, it became necessary to adopt a new public seal. On 28 July 1775, the General Court passed an order appointing a committee to consider "what is necessary to be done relative to a Colony Seal." The design adopted was that of an English-American affrontée holding a sword in his dexter hand and the Magna "Charter" scroll in his sinister hand. In a circle over his head is a ribbon motto ENSE PETIT PLACIDAM SUB LIBERTATE QUIETEM, and in the outer rim of the circle, SIGILLUM COLONIAE MASSACHUSETTENIS 1775.

"This motto is the second of two lines written about 1659, by Algernon Sydney, the famous English patriot, in the *Book of Mottoes* in the Kings Library at Copenhagen, Denmark." It is a peaceful motto and means "By the sword we seek

peace, and peace only under liberty." It was adopted by the Provincial Congress while the colonies were at war with England and was intended as a message to England. Through the years to this day, it has continued to be the motto of the Commonwealth.

Fig. 8 is the second great seal adopted by the Commonwealth. Soon after the first meeting of the state legislature under the constitution, the council, at a meeting held on Wednesday 13 Dec. 1780, "*Ordered,* That Nathan Cushing, Esqr., be a committee to prepare a Seal for the Commonwealth of Massachusetts. He reported a device for a seal for the said Commonwealth as follows [*Arms*], viz: SAPPHIRE, an Indian, dressed in his Shirt, Moggosins, belted proper, in his right hand a Bow TOPAZ, in his left an ARROW, its point towards the Base, of the second; on the Dexter side of the Indian's head a Star PEARL, for one of the United States of America.

"*Crest:* On a Wreath a Dexter Arm clothed and ruffled proper, grasping a Broad Sword, the Pummel and Hilt TOPAZ, with this motto: ENSE PETIT PLACIDAM SUB LIBERTATE QUIETEM, and around the Seal: SIGILLUM REIPUBLICAE MASSACHUSETTENSIS.

"Advised that the said Report be accepted as the Arms of the Commonwealth of Massachusetts" [*Council Records*].

For one hundred and five years, this action of the council was the only authority for the seal. In 1885, the legislature, by act, prescribed its form.

The old heralds used minute distinctions in their blazons. The arms of gentlemen, esquires, knights, and baronets they blazoned by tinctures; those of nobility, by precious stones; and those of emperors, kings, and other sovereign princes by planets.

In designing the new arms, Nathan Cushing,[138] who claimed descent from an ancient armigerous family, and who apparently

[138] Hon. Nathan Cushing of Hingham and Scituate (H.C. 1763), was a member of the legislature and a Justice of the Supreme Court. Representing Scituate, he voted to ratify the Federal Constitution of the United States at the convention held at Boston 9 Jan. 1788 [N.E. Hist. & Gen. *Register,* vol. I, p. 233]. Nathan[5] Cushing was the great, great, great, grandson of Mathew Cushing who emigrated from Hingham, England, and settled in Hingham, Mass., in 1638.

H. G. Somerby, an American genealogist working in England in the middle of the 19th century, claimed that this Cushing family was descended from a Thomas Cushing who lived in the town of Hardingham, co. Norfolk, in the latter part of the fourteenth century, and who, also, had large landed estates in Hingham and other parts of the county. He claimed that the Cushing arms were gules, quarterly, an eagle displayed ppr.; and three dexter gauntletts appaumé vert sinister bendwise towards base, one and two, with a quarter of nine squares gold and azure [*Ibid.,* vol. XIX (1865), pp. 39-43].

knew considerable about heraldry, used the system of precious stones to indicate tinctures. He blazoned the field with the gem Sapphire, the color of which is a deep pure blue, *azure;* the bow and arrow of the Indian by the gem Topaz, for yellow, *or;* the star with the Pearl, representing a delicate grey, *argent.* In the crest, the only tincture he indicates is the Topaz, for yellow, *or,* in the pummel and hilt of the broad sword. In his drawing of the shield, he departs from his precious stones blazon and uses a later system under which horizontal lines represent the tincture *azure.*

In designing the 1780 coat-of-arms, Cushing used the Indian on the 1629 seal, but for some unknown reason, reversed the position of the bow and arrow. On the old seal the Indian was more warlike for he was all set to fit his arrow and let fly. Cushing's Indian, unless he was left-handed, would have to shift the bow to his left hand and the arrow to his right before he could shoot.

Fig. 9 is the present coat-of-arms and great seal of the commonwealth. The following is the blazon prescribed by law: "The arms of the commonwealth shall consist of a shield having a blue field or surface with an Indian thereon, dressed in a shirt and moccasins, holding in his right hand a bow, and in his left hand an arrow, point downward all of gold; and, in the upper corner of the field, above his right arm, a silver star with five points. The crest shall be a wreath of blue and gold, whereon, in gold, shall be a right arm, bent at the elbow, clothed and ruffled, with the hand grasping a broadsword. The motto shall be ENSE PETIT PLACIDAM SUB LIBERTATE QUIETAM [*General Laws, Chapter 2, Section 1*].

"The coat-of-arms as drawn and emblazoned under the direction of the secretary of the commonwealth in the year eighteen hundred and ninety-eight and deposited in his office shall be the official representation of the coat-of-arms of the commonwealth of Massachusetts, and all designs of said

This English pedigree seems to be just another one of Somerby's plain fabrications of which so many have been exploded, the best example of which is the long ancient Peck pedigree. Dr. Arthur Adams, Chairman of the New England Historic Genealogical Society's Committee on Heraldry, says that "Cushing is not a Visitation family; that it is not mentioned in Walter Rye's work on Norfolk families, a sort of dictionary, nor do any arms for Cushing appear either in Burke's *General Armory,* or in Papworth's *Ordinary of British Armorials*".

About 1750, the Cushing family built an armorial tomb in the Granary Burying Ground in Boston. This date coincides with the period in New England when so many families were assuming arms. The activities of Hon. Nathan Cushing were confined principally to Hingham, Norfolk County, and to the adjacent town of Scituate, Plymouth Colony. Undoubtedly he was influential in having the bounds of Plymouth Colony changed, in 1803, to include the town of Hingham.

coat-of-arms for official use shall conform strictly to said representation [*Ibid., Chapter 2, Section 2*].

"The great seal of the commonwealth shall be circular in form, bearing upon its face a representation of the arms of the commonwealth encircled with the inscription, SIGILLUM REIPUBLICAE MASSACHUSETTENSIS . . ." [*Ibid., Chapter 2, Section* 3].

The present coat-of-arms used by the commonwealth does not correspond with the blazon as prescribed by law. First, the blazon specifies no ribbon for the motto, and secondly, it says nothing about this ribbon's being *azure* with letters *gold,* neither does it provide for the shield to be rimmed in *gold.* Just what occasioned this departure is not known to the writer.

In 1898, under the direction of William M. Olin, the then Secretary of the Commonwealth, Edmund H. Garett redesigned the present coat-of-arms and the great seal of Massachusetts. It was probably intended to be a simplified copy of the arms designed by Nathan Cushing in 1780, which had already been in use by the Commonwealth for one hundred and eighteen years. The only change Garett made in Cushing's original drawing of the arms and the great seal was to substitute in the arms, a plain escutcheon in place of the rococo shield prevalent in the 17th and 18th centuries. Other than the shield, Garett changed only the tinctures of the charges. It would seem that this was probably due to his not understanding the heraldic meaning of the word "proper". This opinion appears to be borne out by the erroneous translation of the blazon of the 1780 arms frequently made through the years in publications issued from the office of the Secretary of the Commonwealth.

In the 1780 arms the blazon of the Indian is "an Indian dressed in his shirt, Moggosins, belted proper [meaning all in natural colors], holding in his right [dexter] hand a Bow TOPAZ [gold], in his left [sinister] an Arrow, its point towards the Base, of the second" [TOPAZ]. In the present arms, Garett blazoned the whole Indian, as well as the bow and arrow, *gold,* and rimmed the shield in *gold.*

The blazon of the 1780 crest is "a Dexter arm clothed and ruffled proper [meaning in natural colors], grasping a Broad sword, the Pummel and Hilt TOPAZ" [gold]. Garett blazoned the arm and whole sword *gold,* with the addition of *azure* and *gold* to the wreath of the crest.

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